

CALENDAR
of the
CITY PLANNING COMMISSION
of
The City of New York

WEDNESDAY, OCTOBER 16, 1974

MEETING AT 10 A.M.

in the
CITY HALL



Abraham D. Beame, Mayor

[No. 20]

Prepared by Gail Buxbaum, Secretary

**For information about the course of the hearings during the meeting,
please call 566-8510**

CITY PLANNING COMMISSION

JOHN E. ZUCCOTTI, *Chairman*

MARTIN GALLENT, *Vice Chairman*

GERALD R. COLEMAN,

ALEXANDER COOPER,

GORDON J. DAVIS,

SYLVIA DEUTSCH

CHESTER RAPKIN, *Commissioners*

GAIL BUXBAUM, *Secretary*

GENERAL RULES OF PROCEDURE AS PERTAINING TO PUBLIC MEETINGS

1. A quorum shall consist of four members.
2. Final action by the Commission shall be by the affirmative vote of not less than four members with the exception of Capital Budget amendments, which require five affirmative votes.
3. Except by unanimous consent, matters upon which public hearings are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.
5. All proposals scheduled for public hearings shall be duly advertised in accordance with Charter provisions, i.e., the Commission shall afford the public an opportunity to be heard at a time and place to be specified in a notice of hearing to be published in THE CITY RECORD for ten days of publication of THE CITY RECORD immediately prior thereto with the exception of Capital Budget items. (Detailed information on items appearing in this Calendar may be obtained by contacting the Department of City Planning.)

Note—Matters requiring a public hearing usually appear in three separate calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section III, (Public Hearings), and third in Section II, (Reports on Items Previously Considered by the Commission).

Calendars—Any member of a Community Planning Board, any civic association or any non-profit organization may ask the Secretary to the Commission to be placed on the mailing list to receive a Calendar. Calendars are also available to the public in the Office of the Secretary, 2 Lafayette Street, on Monday preceding a public meeting. Any other individual or organization who wishes to be placed on the Calendar mailing list (subscription \$12.50 per year pro-rated) may do so by contacting the Office of the Secretary, 566-8510.

If you wish to speak on any of the items listed under "Public Hearings" in this Calendar, fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials and Community Planning Board Chairmen will be allowed to speak first.

If you want to inform the City Planning Commission of your views on an item in this Calendar, but cannot or do not wish to speak at the public hearing, fill out the form below and return it to the desk outside the hearing chambers or mail it to:

CITY PLANNING COMMISSION
Office of the Secretary - Room 1500
2 Lafayette Street, New York, N.Y. 10007

(Extra copies of this form may be obtained in the Office of the Secretary of the Commission - Room 1500, 2 Lafayette Street)

Subject:

Date of Hearing: Calendar No.:

Borough: CP No.:

CB No.:

In Favor:

Position:

Opposed:

Comments:

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.....
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.....
.....

Name:

Address:

Organization (if any)

Address: Title:

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(DETACH)



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N445
NO.20
(1974.Oct.16)

CITY PLANNING COMMISSION

2 Lafayette Street, New York, N. Y. 10007

(opposite Municipal Building)

JOHN E. ZUCCOTTI, *Chairman*

MARTIN GALLENT, *Vice Chairman*

GERALD R. COLEMAN,

ALEXANDER COOPER,

GORDON J. DAVIS,

SYLVIA DEUTSCH,

CHESTER RAPKIN, *Commissioners*

GAIL BUXBAUM, *Secretary*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10 a.m. in City Hall, Manhattan, unless otherwise ordered.

ORDER OF BUSINESS AND INDEX

WEDNESDAY, OCTOBER 16, 1974

10 A.M.

Calendar No. 20

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WEDNESDAY, OCTOBER 16, 1974, STARTING AT 10 A.M.
IN CITY HALL, MANHATTAN

No. 1

APPROVAL OF MINUTES of Special Meeting of April 24, 1974.

I. PUBLIC HEARINGS ON THE FOLLOWING MATTERS WILL BE
HELD ON WEDNESDAY, OCTOBER 30, 1974, STARTING AT
10 A.M. IN CITY HALL, MANHATTAN

BOROUGH OF BROOKLYN

No. 2

CPD 6

CP-19136

[Proposed five year time extension of a special permit for a five car parking lot.]

IN THE MATTER OF an application, pursuant to Section 74-511 of the Zoning Resolution, from Florence T. Ritorto for the grant of a five-year extension of the term of a previously approved special permit (CP-19136) involving a public parking lot for five cars on property located on the north side of Atlantic Avenue, distant 200 feet west of Henry Street and having a depth of 80 feet, Borough of Brooklyn.

The application for an extension of time for this parking lot is on file with the City Planning Commission and may be seen in Room 1500, 2 Lafayette Street, New York, N. Y.

Resolution for adoption scheduling October 30, 1974, as the date for a hearing.

II. REPORTS

BOROUGH OF RICHMOND

Nos. 3, 4, 5, 6 and 7

[The proposed actions, including special permits, special permit authorizations, demapping of streets, mapping of streets, and related changes in restrictive declarations, concern modifications to the previously approved Village Greens Large-Scale Residential Development.]

No. 3

CPD 4

CP-20636C

IN THE MATTER OF an application, pursuant to Article VII, Chapter 8 of the Zoning Resolution, from Beverly Glenwood Richmond Corp., for the grant of special permits and special permit authorizations involving the modification of a previously-approved Large-Scale Residential Development (CP-20636A), relating to property designated as Section I, comprising Loops A, B, C, and D, within the area bounded generally by Huguenot Avenue, Arthur Kill Road, Arden Avenue, Rosedale Avenue, and Vespa Avenue, Borough of Richmond.

Plans for this proposed modification of a Large-Scale Residential Development are on file with the City Planning Commission and may be seen in Room 1500, 2 Lafayette Street, New York, N. Y.

(On September 9, 1974, Cal. No. 2, the Commission scheduled September 23, 1974, for a hearing; on September 23, 1974, Cal No. 16, the hearing was closed; on September 30, 1974, Cal. No. 16, the matter was laid over.)

For consideration.

No. 4

CPD 4

CP-22806

IN THE MATTER OF an application, pursuant to Article VII, Chapter 8 of the Zoning Resolution, from Beverly Glenwood Richmond Corp., for the grant of special permits and special permit authorizations involving a portion of a previously-approved Large-Scale Residential Development (CP-20636A) bounded generally by Huguenot Avenue, Arthur Kill Road, Arden Avenue, Rosedale Avenue, and Vespa Avenue, Borough of Richmond, and constituting a new Large-Scale Residential Development in its own right, designated as Section II, and comprising Loops E, 1, 2, and 3.

Plans for this proposed new Large-Scale Residential Development are on file with the City Planning Commission and may be seen in Room 1500, 2 Lafayette Street, New York, N. Y.

1 AVERY
DURST

(On September 9, 1974, Cal. No. 3, the Commission scheduled September 23, 1974 for a hearing; on September 23, 1974, Cal. No. 17, the hearing was closed; on September 30, 1974, Cal. No. 17, the matter was laid over.)

For consideration.

No. 5

CPD 4

CP-22768

IN THE MATTER OF a map change eliminating the lines and grades of Country Club Green, Ivy Court, Dogwood Circle, Sunset Lane, Cherry Lane, Strathmore Green, Kensington Circle, Wildwood Lane, Windsor Green, Laurel Court, Hamilton Court, Sorrento Drive, Wellington Green, Kings Court, Long-fellow Court, Greenwood Circle, Plaza Court, Magnolia Court and eliminating a portion of the sewer easements adjacent thereto, Borough of Richmond, in accordance with a Map No. 3903, signed by the Borough President and dated July 9, 1974. The map was referred by the Board of Estimate on July 18, 1974, Cal. No. 367.

(On August 7, 1974, Cal. No. 25, the Commission scheduled August 28, 1974, for a hearing; on August 28, 1974, Cal. No. 16, the hearing was continued to September 23, 1974; on September 23, 1974, Cal. No. 19, the hearing was closed; on September 30, 1974, Cal. No. 18, the matter was laid over.)

For consideration.

No. 6

CPD 4

CP-22769

IN THE MATTER OF a map change establishing the lines and grades of an area bounded by Huguenot Avenue, Rosedale Avenue, Vespa Avenue, Green Valley Road and Mimosa Lane; also delineating sewer easements within the area, Borough of Richmond, in accordance with a map No. 3904, signed by the Borough President dated July 9, 1974. The map was referred by the Board of Estimate on July 18, 1974, Cal. No. 368.

(On August 7, 1974, Cal. No. 26, the Commission scheduled August 28, 1974, for a hearing; on August 28, 1974, Cal. No. 17, the hearing was continued to September 23, 1974; on September 23, 1974, Cal. No. 20, the hearing was closed; on September 30, 1974, Cal. No. 19, the matter was laid over.)

For consideration.

No. 7

CPD 4

CP-21945A

IN THE MATTER OF a modification of a restrictive declaration running with the land, to provide for an amended development plan for the proposed shopping center bounded by a line at an angle of 72 degrees to Arden Avenue, passing through a point on Arden Avenue 580 feet southerly from the intersection of the prolongation of the southerly line of Hampton Green, Arden Avenue, a line 80 feet southerly of the southerly line of Hampton Green, and a line 865 feet westerly of Arden Avenue, Borough of Richmond.

(On August 7, 1974, Cal. No. 27, the Commission scheduled August 28, 1974, for a hearing; on August 28, 1974, Cal. No. 18, the hearing was continued to September 23, 1974; on September 23, 1974, Cal. No. 21, the hearing was closed; on September 30, 1974, Cal. No. 20, the matter was laid over.)

For consideration.

No. 8

CPD 2

CP-19597

[Assignment of a parcel of City-owned property in Grymes Hill Area from the Department of Water Supply, Gas and Electricity to the Fire Department for a Fire Department Radio Transmitting Center in Richmond.]

IN THE MATTER OF a communication dated October 3, 1966, from the Fire Commissioner, requesting assignment of a parcel of City-owned land in Grymes Hill Area for a Fire Department Radio Transmitting Center. This matter was referred to the Commission by the Committee on Acquisition and Disposition of City Property of the Board of Estimate on October 19, 1966, Cal. No. 111.

For consideration.

BOROUGH OF QUEENS

No. 9

CPD 7

CP-22682

[A proposed special permit to convert the six-story Sanford Hotel on Sanford Avenue between Kissena Boulevard and Union Street in the Flushing section of Queens to a 210-bed domiciliary care facility to be called the Sanford Home for Adults.]

IN THE MATTER OF an application, pursuant to Section 74-904 of the Zoning Resolution, for the grant of a special permit involving a domiciliary care facility for adults on property located on the south side of Sanford Avenue between Union Street and Kissena Boulevard, Borough of Queens.

Plans for this proposed domiciliary care facility for adults are on file with the City Planning Commission and may be seen in Room 1500, 2 Lafayette Street, New York, N.Y.

(On May 1, 1974, Cal. No. 7, the Commission scheduled May 29, 1974, for a hearing; on May 29, 1974, Cal. No. 30, the hearing was closed.)

For consideration.

No. 10

CPD 14

CP-22808

[Assignment of a parcel of City-owned property from HDA to the Fire Department for the site of a Firehouse for Engine Co. 265, Ladder Co. 121, Arverne, Queens.]

IN THE MATTER OF a communication dated July 9, 1974, from the Fire Commissioner, requesting assignment of a parcel of City-owned land in the vicinity of Shore Front Parkway, Beach 54th Street and Edgemere Avenue, Borough of Queens. This matter was referred to the Commission by the Committee on Acquisition and Disposition of City Property of the Board of Estimate on September 3, 1974, Cal. No. 252.

For consideration.

No. 11

CPD 7

CP-22820

[Approval and endorsement of a restrictive declaration.]

IN THE MATTER OF a request by Cord-Meyer Development Company for approval and endorsement of a restrictive declaration which specifies certain conditions for residential and commercial development on a 22-acre site at Bell Boulevard and 26th Avenue, Borough of Queens.

For consideration.

BOROUGH OF THE BRONX**Nos. 12 and 13**

[Amendment of conditions contained in the previously approved Special Permits requested by the applicant in order to satisfy the N.Y.S. Medical Care Facilities Agency and permit the project to proceed.]

No. 12

CPD 11

CP-22215B

IN THE MATTER OF a communication dated September 27, 1974, pursuant to Section 79-401 of the Zoning Resolution, from Beth Abraham Hospital requesting a new condition number 6 to be incorporated into the special permit involving a large-scale community facility development located in air space over Barker Avenue between Allerton Avenue and Mace Avenue, Borough of The Bronx.

For consideration.

No. 13

CPD 11

CP-22594A

IN THE MATTER OF a communication dated September 27, 1974, pursuant to Section 79-401 of the Zoning Resolution, from Beth Abraham Hospital requesting a **new condition number 5** to be incorporated into the special permit involving a large-scale community facility development located in air space over Barker Avenue between Allerton Avenue and Mace Avenue, Borough of The Bronx.

For consideration.

III. PUBLIC HEARINGS

BOROUGH OF BROOKLYN

No. 14

CPD 13

CP-22807

[The proposed City Mitchell-Lama cooperative housing project in the Coney Island West Urban Renewal Area comprises 96 apartments in six 2-story buildings and two 3-story townhouses.]

PUBLIC HEARING in the matter of a City-aided Limited-Profit Cooperative Housing Project pursuant to Article 2 of the Private Housing Finance Law of the State of New York, to be known as Polar Gate Gardens and to be developed within the northerly part of the area bounded by Bay View Avenue, West 37th Street, Maple Avenue and Sea Gate Avenue, Site 3 within the Coney Island West Urban Renewal Area, Block 6956, all lots; Block 6958, Lots 6, 12, 14, 16, 18, 19, 21, 23, 24, 25, 26, 29, 31 and 32, including the former bed of Polar Street between Sea Gate Avenue and West 37th Street, Borough of Brooklyn.

This project was submitted by the Housing and Development Administration on September 4, 1974.

(On September 30, 1974, Cal. No. 26, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

No. 15

CPD 13

CP-22814

[Proposed amendment to Coney Island Urban Renewal Plan providing for acquisition of properties on West 31st Street.]

PUBLIC HEARING in the matter of an Amended Urban Renewal Plan (Neighborhood Development Plan) for the Coney Island Urban Renewal Area pursuant to Article 15 of the General Municipal Law (Urban Renewal Law) of the State of New York, Borough of Brooklyn.

The Amended Plan provides for the acquisition of the following property on both sides of West 31st Street between Mermaid and Neptune Avenues:

Block 7008 Lots 14 through 17, 20 through 28, 32, 37 and 41

Block 7009 Lots 54, 56, 58, 60, 63, 66, 67, 69, 72, 73, 74, 75, 76 and 77

(On September 30, 1974, Cal. No. 27, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

No. 16

CPD 15, 5, 3

CP-22738

[This proposed map would make a number of minor corrections in block dimensions in three separate areas in Brooklyn to conform to existing conditions as determined by recent surveys.]

PUBLIC HEARING in the matter of a map showing an adjustment of the block dimensions, angles and grades in: **Area "A"**—bounded by Shore Parkway, East 23rd Street, Emmons Avenue and Dooley Street; **Area "B"**—bounded by Fulton Street and Georgia, Jamaica and Sheffield Avenues; and **Area "C"**—bounded by Decatur Street, Lewis Avenue, Chauncey Street, Reid Avenue, Fulton Street and Sumner Avenue, Borough of Brooklyn, in accordance with a Map No. V-2203, in two sheets, signed by the Borough President and dated May 29, 1974. The map was referred by the Board of Estimate on June 20, 1974 (Cal. No. 375).

(On September 30, 1974, Cal. No. 6, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

BOROUGH OF QUEENS

No. 17

CPD 1

CB-74-4

[This proposed amendment would change the title of a budget line to reflect the reduction of capacity of the West Queens High School and subsequent reduction in cost.]

PUBLIC HEARING in the matter of proposed amendment of the 1973-1974 Capital Budget, under the Board of Education—Borough of Queens—to change the title of line 170, Project E-789 to read, "**West Queens High School, Queens, Broadway and 21st Street (2000 FTE)**" and to reduce the cost from \$23,704,634 to \$12,900,000.

(On September 30, 1974, Cal. No. 7, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

BOROUGH OF THE BRONX

No. 18

CPD 14

CB-74-10

[This proposed amendment will add \$557,261 to meet increased costs of this project due to variances in the estimated quantities of work required. The reduction of an equal amount, agreed to by community planning boards

and elected officials in The Bronx, has been made from project P-88 "Van Cortlandt Park, The Bronx, various Improvements and Master Plan."]

PUBLIC HEARING in the matter of proposed amendment of the 1973-74 Capital Budget under the Parks, Recreation and Cultural Administration—Borough of The Bronx—to increase line 678, Project P-394 "Seton Hospital Site Park, West 232nd Street, Independence to Palisade Avenues, The Bronx, Development," from a total estimated cost of \$1,359,258.00 to \$1,485,754.00 and to reduce line 732, Project P-88 "Van Cortlandt Park, The Bronx, various Improvements and Master Plan," from a total estimated cost of \$4,923,089.54 to \$4,365,828.54.

(On September 30, 1974, Cal. No. 29, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

No. 19

CPD 11

CP-22819

[Special use permit for the conversion of an existing three-story building at 831 Arnow Avenue into a 26-bed addition to the Fordham Arms Home for Adults, a 32-bed, proprietary domiciliary care facility at 2915 Williamsbridge Road in The Bronx.]

PUBLIC HEARING in the matter of an application, pursuant to Section 74-904 of the Zoning Resolution, from Alfred Schonberger for the grant of a special use permit for the conversion of an existing three-story building at 831 Arnow Avenue into a 26-bed addition to the Fordham Arms Home for Adults, a domiciliary care facility on property located at 2915 Williamsbridge Road in the Borough of The Bronx.

Plans for this proposed domiciliary care facility are on file with the City Planning Commission and may be seen in Room 1500, 2 Lafayette Street, New York, N. Y.

(On September 30, 1974, Cal. No. 8, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

No. 20

CPD 2

CB-74-5

[This proposed amendment will provide supplemental funds for acquiring title to lands already condemned for the South Bronx Sanitation Center.]

PUBLIC HEARING in the matter of proposed amendment of the 1968-1969 Capital Budget, under the Department of Sanitation—to delete \$3,162,500.00 and substitute \$5,212,500.00 in line 224, Project S-140, "South Bronx Sanitation Center, 3200 Ton Per Day Incinerator, Including Site."

(On October 7, 1974, Cal. No. 2, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

BOROUGH OF RICHMOND

No. 21

CPD 4

CP-22089A

[Request for a modification of a previously approved restrictive declaration.]

CONTINUED PUBLIC HEARING in the matter of a communication dated July 6, 1974 from Phyllis Crawford and Henderson Crawford requesting approval of a modification of a Restrictive Declaration dated July 25, 1972 indexed against property located on the southerly side of Amboy Road between Richmond Avenue and Ridgecrest Avenue, in order to permit an ingress-only curb cut on Richmond Avenue.

(On August 7, 1974, Cal. No. 32, the Commission scheduled September 23, 1974, for a hearing, on September 23, 1974, Cal. No. 15, the hearing was continued to October 16, 1974.)

Close hearing.

No. 22

CPD 2

CB-74-2

[This amendment will provide \$40,000 additional construction monies to meet commitments to date on IS 61, Richmond. The facility was completed and occupied in 1971 school year.]

PUBLIC HEARING in the matter of proposed amendment of the 1974-1975 Capital Budget, under the Board of Education—Borough of Richmond—to increase line 216a, Project E-1229 “Intermediate School 61, Richmond, Castleton and Brighton Avenues (1800 FTE)” by \$40,000 from a total cost of \$7,044,900 to \$7,084,900.

(On October 7, 1974, Cal. No. 1, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

No. 23

CPD 4

CP-22771

[A proposed map change that would modify the northerly line of Amboy Road to avert major damage to an existing structure on abutting private property.]

PUBLIC HEARING in the matter of a map change modifying the lines of Amboy Road from Midland Road to a point 544.24 feet westward therefrom, Borough of Richmond, in accordance with a Map No. 3902, signed by the Borough

President and dated June 21, 1974. The map was referred by the Board of Estimate on July 18, 1974 (Cal. No. 370).

(On September 30, 1974, Cal. No. 9, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

No. 24

CPD 4

CB-74-7

[Proposed amendment would change the title of a budget line to reflect an interim solution to currently overcrowded Intermediate School 24 in South Richmond, the reduction in capacity and the decrease in the total estimated cost.]

PUBLIC HEARING in the matter of proposed amendment of the 1973-1974 Capital Budget, under the Board of Education—Borough of Richmond—to change the title of Line 196, Project E-1444 to read, “Intermediate School 24 Annex/Public School 33, Richmond, Corbin Avenue, Fairfield St., Elkhart St., and Graves Avenue (850 FTE)” and reduce the total estimated cost from \$6,750,000 to \$3,650,000.

(On September 30, 1974, Cal. No. 10, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

CITY-WIDE

Cal. Nos. 25 and 26

[Proposed zoning text and map amendments establishing a Special Natural Area District to preserve natural features, such as aquatic, biologic, geologic and topographic features having ecological and conservation values and function by reviewing new developments and site alterations on primarily vacant land. The mapping of a Special Natural Area District has been proposed for the Emerson Hill, Todt Hill, Lighthouse Hill and central wetland area in the Borough of Richmond.]

No. 25

CP-22748A

PUBLIC HEARING in the matter of amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to Article X Chapter 3 concerning the establishment of a Special Natural Area District, as follows:

Matter in **Bold Type** is new;

Matter in *italics* is defined in Section 12-10.

11-12

Establishment of District

* * *

Establishment of the Special Natural Area District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 3, the *Special Natural Area District* is hereby established.

* * *

11-13

Public Parks

District designations indicated on *zoning maps* do not apply to *public parks*, except as set forth in Section 103-91 (Special District Designation on Public Parks).

* * *

12-10 DEFINITIONS

* * *

Special Natural Area District

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA", in which special regulations set forth in Article X, Chapter 3 apply to *developments* or *site improvements*. The *Special Natural Area District* appears on the *zoning maps* superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed. The *Special Natural Area District* includes any district whose designation begins with the letters "NA".

Special Natural Area Districts may be mapped only in areas where outstanding *natural features* or areas of natural beauty are to be protected. The preservation of such areas is important because they contain areas of special ecological significance, interesting geologic formations and rock outcrops, unique aquatic features such as tidal wetlands, unique topographic features such as palisades, valleys, and hills, important plant life such as glaciated Oak-Chestnut forests or because they serve as habitats for native flora and fauna. A *Special Natural Area District* may include one or more *natural features*.

A public park may be included in a *Special Natural Area District* only where it is part of a designated larger natural ecological system.

* * *

Article X
Special Purpose Districts
Chapter 3 Special Natural Area District

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ARTICLE X SPECIAL PURPOSE DISTRICTS

* * *

Chapter 3 Special Natural Area District

103-00 GENERAL PURPOSES

The Special Natural Area District (hereinafter also referred to as the "Special District") established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) To guide *development* in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas.
- (b) To preserve land having qualities of exceptional recreational or educational value to the public.
- (c) To protect aquatic, biologic, geologic and topographic features having ecological and conservation values and functions.
- (d) To limit erosion associated with *development* by conservation of vegetation and protection of natural terrain.
- (e) To promote the most desirable use of land and direction of *building development* in accordance with a well-considered plan, to promote stability of *residential development*, to promote the character of the district and its peculiar suitability for particular uses, to conserve the value of land and *buildings*, and to protect the City's tax revenues.

103-01

Definitions

Definitions specially applicable to this Chapter are set forth in this Section.

The definitions of other defined terms are set forth in Section 12-10

(DEFINITIONS).

Development

For the purposes of this Chapter, a "development" includes the construction of a new *building* or other *structure* on a *zoning lot*, the relocation of an existing *building* on another *zoning lot*, the use of a tract of land for a new use, or an *enlargement* of a non-residential *building* or portion thereof.

To "develop" is to create a *development*.

Natural Feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section 103-10 (NATURAL FEATURES) and existing within a *Special Natural Area District*.

Site Alteration

A "site alteration" is:

an alteration on any vacant tract of land, *land with minor improvements* or any tract of land containing non-residential *building* which includes land contour work, topographic modifications, removal of top soil,

vegetation or trees, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, relocation of erratic boulders or modification of any *natural features*, whether or not a permit is required from the Department of Buildings, the Department of Highways or other public agencies.

A *site alteration* shall not include any land operations on an existing *zoning lot* containing *residential buildings* on the effective date of the Special District designation.

Special Natural Area District (repeated from Section 12-10)

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA", in which special regulations set forth in Article X, Chapter 3 apply to all *developments* or *site alterations*. The *Special Natural Area District* appears on the zoning maps superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed. The *Special Natural Area District* includes any district whose designation begins with the letters "NA".

Special Natural Area Districts may be mapped only in areas where outstanding *natural features* or areas of natural beauty are to be protected. The preservation of such areas is important because they contain areas of special ecological significance, interesting geologic formations such as rock outcrops, unique aquatic features such as tidal wetlands, unique topographic features such as palisades, valleys, and hills, important plant life such as glaciated Oak-Chestnut forests or because they serve as habitats for native flora and fauna. A *Special Natural Area District* may include one or more *natural features*.

A public park may be included in a *Special Natural Area District* only where it is a part of a designated larger natural ecological system.

103-02

General Provisions

In harmony with the general purpose and intent of this resolution and the general purposes of the *Special Natural Area District*, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding *natural features* described herein. Except as modified by the express provisions of this Chapter the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

- (a) any *development* on a *zoning lot*;
- (b) any *site alteration* on a *zoning lot*;
- (c) any subdivision of a *zoning lot* existing on the effective date of the Special District designation into two or more *zoning lots*;
- (d) any public improvement projects located within the *Special Natural Area District*, which shall be subject to the provisions of Section 103-92 and Section 103-93, except for any such projects which were approved by the Board of Estimate prior to the effective date of the Special District designation.

Prior to issuance by the Department of Buildings, Department of Highways, Department of Water Resources or other city agencies, of a permit

for any *development* or *site alteration* within a *Special Natural Area District*, or for any *site alteration* for which no permit is required by the Department of Buildings, Department of Highways, Department of Water Resources or other city agencies, an application shall be submitted to the Commission for review and approval pursuant to Section 103-40 (SPECIAL REVIEW PROVISIONS). When a *zoning lot* existing on the effective date of the Special District designation is subdivided into two or more *zoning lots* an application shall be submitted to the Commission for review and approval pursuant to Section 103-90 (FUTURE SUBDIVISION).

Nothing contained in this Chapter shall be understood to supersede scenic landmark designations of the New York City Landmarks Preservation Commission.

103-021

Requirements for application

An application to the City Planning Commission for certification, authorization or special permit respecting any *development* or *site alteration* to be made within the Special District shall include a survey map prepared by a registered surveyor showing topography at two foot intervals, location and boundary of existing *natural features* numbered under each category in Section 103-11, species and location of individual trees of 6 inch caliper or more listed in Appendix A, existing soil types and site plans showing proposed *development* and modification of *natural features* and other information necessary to indicate the special permit or other authorization requested and its justification.

Appendix A should be used as a guide to assist in the preparation of the surveyor's map required in this section to delineate the boundary of all *natural features* numbered under each category of Section 103-11 (Description of Natural Features) and to indicate the tree species to be located and identified.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

The Commission shall act within 60 days after receipt of a completed application. Where a permit is required for a *development* or *site alteration* within a *Special Natural Area District* from any City agency, an application for such permit shall be filed simultaneously with such agency and the City Planning Commission.

103-022

Action by the Board of Estimate

The Resolution of approval by the City Planning Commission, together with a copy of the application for the grant of a special permit, shall be filed with the Secretary of the Board of Estimate, and the Board of Estimate shall act upon such Resolution in accordance with the provisions of Section 200 of the New York City Charter.

103-023

Relationship to public improvement projects

In all cases, the Commission shall deny any application, whenever the *development* or *site alteration* will interfere with a public improvement project (including highways, public buildings or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other

public facilities) which is approved by or pending before the Board of Estimate, the City Planning Commission, or the Site Selection Board as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

103-10 NATURAL FEATURES

103-11

Description of Natural Features

All natural features shall be of outstanding quality. They shall be significant in terms of age, size, composition, function, structure, history, association, location, ecological value or educational interest. The preservation of the natural features may be necessary in order to maintain ecological balance in the area. The protection of one natural feature may require the protection of another which is closely linked to it. The preservation of natural features may also be necessary to avoid such adverse conditions as flooding, erosion or hazard to private property.

All natural features defined in this section shall be protected by the provisions of this chapter.

A. Geologic Features

1. Rock Outcrop

A rock outcrop is the portion of a rock formation which appears at the surface of the earth.

2. Geologic Deposit

A geologic deposit is a mass of material which has been placed, shaped or created by the actions of wind, water, ice, gravity, vulcanism, pressure or temperature, either alone or in combination. Such deposits are to include erratic boulders, glacial formations, mineral deposits or semi-precious stones.

B. Topographic Features

1. Steep Slope

Steep slope is ground which has an incline of 15 percent or more.

2. Existing Natural Topography

Existing natural topography is the ground elevation of land existing at the time of designation of a *Special Natural Area District*.

C. Aquatic Features

1. Laminarian Zone

A laminarian zone is that land under the surface of salt water from the low tide mark to the depth of 15 fathoms. The portion of the laminarian zone to be protected by the provisions of this Special District extends to the Pierhead Line, or to the shoreline where no Pierhead Line has been established.

2. Beach

A beach is a tract of relatively flat sandy or gravelly land without visible vegetation forming the shore of a large body of water.

3. Tidal Wetland and Saltwater Littoral Zone

A tidal wetland or saltwater littoral zone is that land which is regularly covered by tidal waters and its spray.

4. Swamp

A swamp is a wet woodland, the soil of which is typically waterlogged or often covered with water.

5. Marsh

A marsh is a wet prairie which has waterlogged soil during the growing season (from last spring frost to first fall frost) and is often covered with shallow water.

6. Bog

A bog is a tract of waterlogged land without natural drainage.

7. Meadow

A meadow is a tract of land which is waterlogged to within a few inches of the surface and may have temporary ponds during the non-growing season (between first fall frost and first spring frost).

8. Creek, Stream or Brook

A creek, stream or brook is a free flowing fresh watercourse on soil, gravel or rock which drains a watershed.

9. Lake or Pond

A lake or pond is a body of fresh or salt water standing year round.

10. Natural Spring

A natural spring is a point source of water exiting from the surface of the earth or rock.

D. Botanic Environments

1. Primary Succession Community Area

A primary succession community area is a tract of land characterized by species which can tolerate extreme environmental conditions and provide initial protection for less tolerant forms of life. These species are usually annuals and herbaceous.

2. Secondary Succession Community Area

A secondary succession community area is a tract of land characterized by short-lived trees, shrubs as well as grasses and herbaceous material. The species are less tolerant than primary succession community species, but provide a greater diversity and range of protection from the sun, wind and rain.

3. Climax Community Area

A climax community area is a stable association of plants and animals which will perpetuate itself indefinitely with minor variation in the group of associated plants. The climax community area in New York City is the glaciated Oak-Chestnut association, which is part of the Eastern Hardwood Deciduous Forest.

4. Dune or Heathland

A dune or heathland is a tract of windblown and wind or water shaped sandy land with such characteristic species as beach grass and beach heather.

5. Wild Grassland

A wild grassland is an area whose vegetation is primarily of wild grass species.

The natural features defined in this Section are fully described in Appendix A.

103-20 PROTECTION OF NATURAL FEATURES

103-21

Protection of Natural Features

All *natural features* within a *Special Natural Area District* shall be protected by the regulations of this Chapter in accordance with the provisions set forth in Section 103-02 (General Provisions) and Section 103-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES).

Except for any existing natural feature which is unsafe and the elimination of which is required by the Department of Buildings to eliminate hazardous conditions, no *natural features* described in Section 103-11 (Description of Natural Features) shall be removed, destroyed or altered unless permitted by certification, authorization or special permit of the Commission pursuant to Section 103-40 (SPECIAL REVIEW PROVISIONS).

Where special permit authorization pursuant to Sections 103-432 and 103-433 are not granted to an applicant by the City Planning Commission and the Board of Estimate, the restrictions imposed by the provisions of Section 103-21 shall not apply to the *natural feature* which was to be preserved in such special permit application.

103-22

Protection of Scenic Views

Whenever a *Special Scenic View District* overlaps a *Special Natural Area District* the provisions of Article X, Chapter 2 *Special Scenic View District* shall also apply.

103-23

Protection of Existing Natural Topography

The natural topography existing on a *zoning lot* at the time of designation of a *Special Natural Area District* on a *zoning lot* may be modified only by authorization of the Commission pursuant to Section 103-421 (Modification existing topography). In the event that such existing topography is altered without prior authorization of the Commission, the Commission may require new grading or other topographical modifications or surface improvement to re-establish the viability and function of the soil as a growing medium, and as a drainage surface, in order to permit the site to blend harmoniously with the surrounding area of the Special District.

Topsoil shall not be removed from the surface of any *zoning lot* nor shall be covered with inferior material unless permitted pursuant to Section 103-421.

103-30 SPECIAL PROVISIONS FOR PLANTING

103-31

Vegetation Requirements

Within appropriate *Special Natural Area Districts* the mandatory vegetation requirements of this Section shall apply as indicated in Section 104-94 (Special Natural Area District Specified).

Any plant materials which cannot be saved as a result of the *site alteration* or *development* process shall be replaced with alternate plant materials to be approved by the City Planning Commission. The replanting of elements of vegetation which are parts of an association or community shall be such as to re-establish as rapidly as is reasonable the vigor and character of the association. When necessary to establish ecological balance, the Commission may also require additional vegetation to be planted.

The planting of species shall not be limited to woody plant materials, but shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses, lichen, fungi or algae. All vegetation to be planted shall be either of the species which characterized the area's biological community prior to *site alteration* or *development*, or of an alternate biologic community found in the area. Species selection shall give particular attention to the relationship of the species to each other and to the surrounding plant community and to the quality of the soil and the vertebrate and invertebrate populations associated with and dependent upon the proposed plants. The goal is to maintain, reinforce and increase the diversity and stability of the plant and animal population which characterize the *Special Natural Area District*.

103-32

Tree Requirements

Within appropriate *Natural Area Districts* the mandatory tree requirements of this Section shall apply as indicated in Section 104-94 (Special Natural Area District Specified). For any *development* within a *Special Natural Area District* in which tree requirements are made mandatory, there shall be at least one tree of at least 3 inch caliper pre-existing or newly planted, for each 2,000 square feet of *zoning lot* area or fraction thereof. For the purposes of meeting this requirement, a pre-existing tree of 18 inch caliper or more shall count as three trees, and newly planted trees shall be of a species acceptable from the standpoint of hardiness, appearance and habit of growth suitable to the site.

103-40 SPECIAL REVIEW PROVISIONS

The provisions of this Section shall apply to all *developments* or *site alterations* located within a *Special Natural Area District*.

For any *development* or *site alteration* the applicant shall apply to the City Planning Commission for approval pursuant to the provision of this Section.

All applications for certification, authorization or special permit for a *development* or *site alteration* within a *Special District* shall include a site plan and photographs showing the location and condition of such *natural features* for their verification with photographs on file with the Commission. Aerial survey and/or other appropriate photographs for each *Special Natural Area District* shall be on file with the Commission on or about the effective date of a *Special District* designation.

Applicants for a *development* or *site alteration* also shall submit a drainage plan and soil report prepared by a registered engineer when required by the Commission.

Prior to the issuance by the Department of Buildings of any permit for a *development* or *site alteration* within a *Special Natural Area District*, the Commission shall certify to the Department of Buildings that the *development* or *site alteration* is approved pursuant to Section 103-41, Section 103-42 or Section 103-43.

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) shall apply to all *developments* except as modified by the provisions of Section 103-70 (Applicability of large-scale residential development regulations).

103-41

Certification

When it is not necessary for the applicant for a *development* or *site alteration* to apply for an authorization or special permit, the City Planning Commission shall certify to the Department of Buildings that no authorization or special permit is required pursuant to this Chapter.

Where mandatory vegetation or tree requirements of Section 103-30 (SPECIAL PROVISIONS FOR PLANTING) apply or where *natural features* are to be protected and maintained under Section 103-60 (MAINTENANCE OF NATURAL FEATURES), the Commission shall indicate in the certification specific conditions and safeguards appropriate to the designated area.

103-42

Authorization

For a *development* or *site alteration* located within the *Special Natural Area District*, the City Planning Commission may authorize:

- (i) modification of existing natural topography pursuant to Section 103-421 (Modification of existing topography); or
- (ii) relocation of erratic boulders pursuant to Section 103-422 (Relocation of erratic boulders); or
- (iii) alteration of botanic environments pursuant to Section 103-423 (Alteration of botanic environments or removal of trees).

103-421

Modification of existing topography

The natural topography existing at the time of designation of a *Special Natural Area District* may be modified by the City Planning Commission provided that the Commission finds:

- (a) that *development* is not feasible without such modification;
- (b) that such modification including any removal of top soil will not disturb the drainage pattern and soil conditions in the area; and
- (c) that such modification of topography has minimal impact on the existing natural topography of the surrounding area and blends harmoniously with it.

In addition, in areas with an existing slope of more than 15 percent the provisions of Section 103-505 (Steep slope) apply. Where permits are required by a city agency, the Commission shall request a report from such agency, and the provisions of Section 103-93 (Inter-agency coordination) apply.

103-422

Relocation of erratic boulders

No erratic boulder with a diameter at any point of six feet or more may be moved from its location at the time of designation of a *Natural Area District* to another location within the Special District during *development* or *site alteration* except in compliance with the provisions of this Section.

Prior to the moving of an erratic boulder from its present location to a location elsewhere within the *Special Natural Area District* an application shall be filed with the City Planning Commission showing the present location and the proposed location. Moving of an erratic boulder will be permitted only by authorization of the Commission under the following circumstances:

- (a) Where such a boulder is located in an area to be occupied by *buildings*, driveways, parking areas or recreation areas and it is not possible to avoid such location by minor adjustments in the arrangement of such *buildings*, driveways, parking areas or recreation areas on the site;
- (b) Where the boulder's continued existence in its present location would create hazards or dangers; and
- (c) Where authorizations granted by the City Planning Commission under the provisions of this Chapter require or clearly contemplate the boulder's relocation from its present position.

In issuing authorization under this Section, the Commission shall require an appropriate relocation site, visible, if possible, from a public street, park or public place—preferably on the *zoning lot* or elsewhere within the *Special Natural Area District*. The Commission may prescribe appropriate conditions to enhance the setting of the relocated boulder and safeguards to protect the character of the *Special Natural Area District*.

103-423

Alteration of botanic environments or removal of trees

No portion of a botanic environment shall be altered or land operations affecting botanic environments undertaken by or on behalf of present or future applicants for building permits except in compliance with the provisions of this Section.

No individual tree of 6-inch caliper or more listed in Appendix A and located anywhere within the Special District shall be removed without authorization of the City Planning Commission.

Prior to any such removal, alteration or land operation, applications shall be filed with the City Planning Commission showing the location of all botanic environments indicated in Section 103-11 (Description of Natural Features) and trees of 6-inch caliper or more and identifying those which are proposed to be removed or altered. Alteration or removal of existing plant material will be permitted only by authorization of the Commission under the following circumstances:

(a) Where plant material is located in areas to be occupied by *buildings*, driveways, parking areas or recreation areas or within a distance of 15 feet of the exterior walls of such *buildings*, and it is not possible to avoid such location by minor adjustments in the arrangement of such *buildings*, driveways, parking areas or recreation areas on the site.

(b) Where plant material is located in areas which require excessive cut or fill of land deemed inimical to plant survival.

(c) Where the plant material's continued presence would create hazards or dangers.

(d) Where authorizations granted by the City Planning Commission under the provisions of this Chapter require or clearly contemplate the plant material's alteration or removal.

In issuing authorizations under this Section, the Commission may prescribe appropriate conditions and safeguards to protect the character of the *Special Natural Area District*.

103-43

Special Permit

For any *development* or *site alteration* within the Special District, the City Planning Commission may by special permit after public notice and hearing and subject to Board of Estimate action grant special permits for modification of the underlying district regulations in accordance with the provisions of Section 103-431 to Section 103-434 inclusive.

103-431

Modification of use regulations

In addition to any *use* modifications which may be granted under the provisions of Section 103-701 (Applicability of large-scale residential development regulations), the City Planning Commission may grant special permits to allow semi-detached or attached *single-family residences* in R2 Districts and attached single- or two-family residences in R3-1 Districts.

As a condition for granting such special permits the Commission shall find:

(i) that the preservation of natural features requires the permitted *development* to be concentrated in the remaining portion of the tract, and

(ii) that for such concentration of *development* better standards of privacy and usable *open space* can be and are achieved under the development plan by inclusion of the proposed *residential building* types.

103-432

Modification of yard and height and setback regulations

For any *development* which does not qualify under the provisions of Section 103-701, the City Planning Commission may authorize variations in required *front*, *rear*, or *side yards*, required space between buildings on the same *zoning lot* and may modify height and setback regulations for the purpose of preserving *natural features* if the Commission finds that the proposed placement of *buildings* and arrangement of *open spaces*

will not have significant adverse effects upon the light, air and privacy for existing *development* in adjacent areas or the opportunities therefor in future *development*. The Commission may condition such authorizations upon the joint submission of acceptable plans for *development* of two or more adjacent *zoning lots* by the owners thereof.

103-433

Alteration of natural features

Alteration of all *natural features* other than existing topography, erratic boulders or botanic environments for which alteration, modification or relocation is authorized pursuant to Section 103-421 (Modification of existing topography) or Section 103-422 (Relocation of erratic boulders) or Section 103-423 (Alteration of botanic environments or removal of trees) may be granted by special permit of the Commission where *development* is not feasible without such alteration or where alteration is necessary to protect the health and safety of the site occupants. As a condition for such alteration, the Commission finds that the *development* as authorized will result in the minimum *natural feature* interference that must be permitted in order to allow reasonable *development* and *bulk* distribution under the regulations of the underlying district.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

Where permits are required from a city agency for any work affecting *natural features*, the Commission shall request a report from such agency and the provisions of Section 103-93 (Inter-agency Coordination) apply.

103-434

Natural area dedicated for public use

Where commonly or separately owned areas containing *natural features* of exceptional recreational, cultural or educational value to the public is dedicated to the City without any cost to the City, pursuant to Section 103-701 (Applicability of large-scale residential development regulations), the Commission may by special permit allow, where appropriate, such portion of the *zoning lot* to be included in the zoning computation for *floor area*, *open space*, *lot area per room* requirements and other *bulk* computations.

103-44

Conditions for Certification, Authorization or Special Permits

The Commission may certify or grant authorization or special permit for any *development* or *site alteration* within the Special District provided the *development* or *site alteration* complies with the provisions of the following Sections:

Section 103-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES)

Section 103-60 (MAINTENANCE OF NATURAL FEATURES)

Section 103-70 (SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT)

Section 103-80 (JOINT APPLICATIONS)

The provisions of Section 103-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES) establish regulations for City Planning Commission review of *development* or *site alteration* plans from the standpoint

of the protection they afford to *natural features*. Plans which are deficient in this regard may be rejected or required to be modified, even though they comply with all other applicable regulations of this Chapter.

The provisions of Section 103-60 (MAINTENANCE OF NATURAL FEATURES) establish requirements for the maintenance of *natural features*. Approval of development plans subject to such requirements is conditioned upon the City Planning Commission's approval of a maintenance plan.

Section 103-70 (SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT) deals with the City Planning Commission's power to grant modifications of the applicable regulations of the underlying districts for predominantly *residential developments* so as to permit greater flexibility in the location of *buildings* and in the distribution of *bulk*, density and *open space* and thereby facilitate the protection of natural features or the preservation of natural terrain.

As a condition for certification, authorization or issuance of a special permit by the Commission, the Commission shall find that all proposed *developments* or *site alterations* blend harmoniously with the *natural features* and topography of the surrounding area within a *Special Natural Area District*.

103-50 REGULATIONS FOR PROTECTION OF NATURAL FEATURES

The provisions of this Section establish regulations for City Planning Commission review of *development* or *site alteration* plans from the standpoint of the adequacy of protection for *natural features* within a *Special Natural Area District*.

These regulations are to be used by the Commission in reaching a determination whether to approve *development* or *site alteration* plans filed pursuant to Section 103-41 (Certification), Section 103-42 (Special Authorizations), or Section 103-43 (Special Permits).

The Commission, where appropriate, shall be guided by the reports from other city agencies involved in land contour work, storm water drainage systems and similar operations affecting *natural features*.

In determining the necessary alteration of *natural features* or extent of modifications involved in a *development* or *site alteration*, the Commission shall be guided by the effect of any alteration of a *natural feature* on the total ecological process of the surrounding natural environment including the following: the effect of such alteration on the existing topography, soil conditions, erosion, natural flow of water and drainage, water quality, animal, plant and marine life.

Further guidelines for the protection of *natural features* are listed below:

(a) No *natural feature* shall be moved, removed, covered, diminished, broken or disfigured, unless permitted pursuant to the provisions of Section 103-40.

(b) Filling, excavating, draining, dredging, grading and contouring shall be staged and controlled so as to minimally impair the function, composition, vitality and existence of *natural features*. When and where possible, such operations shall be done in a manner so as to maintain or improve the biologic system and individual features on the site.

(c) All filling, excavating, draining, dredging, grading and contouring shall avoid creation of steep slopes or conditions causing erosion, loss of fertility of soil, health or safety hazards, and shall be done in conformance with the limits and nature of the soil involved.

(d) All land operations including filling, excavating, draining, dredging, grading and contouring shall be limited to those operations which maintain or restore natural drainage, cause a minimum disturbance of the *natural features* and their setting while providing for the development or *site alteration* or permitted uses.

(e) No *development* or *site alteration* shall be such as to impede or change the quality, turbidity, temperature or chemical composition of the natural drainage or aquatic features.

(f) A *development* or *site alteration* shall be permitted only in areas sufficiently removed from the *natural features* to avoid impairment of their existence, functions or beauty.

(g) There shall be maximum feasible preservation of all natural vegetation in and adjacent to the *natural features* found on the site.

Plant communities which have been substantially reduced in area or composition as a result of a *development* or *site alteration* shall be restored, extended or replaced by alternative plant materials with an adequate maintenance program. In no case shall the site be allowed to be de-nuded and without vegetational cover upon completion of the *development* or *site alteration*.

(h) Replacement of any *natural feature* and planting of new vegetation on a site in the Special District shall be such as to extend, reinforce, increase the diversity, function and vitality of an association or community in the area. Special attention shall be given to symbiotic relationships between plants and the relationship between vegetation to be planted and animal populations which are dependent upon or related to the proposed vegetation. Where appropriate, planting shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses, lichen, fungi or algae.

(i) Adequate provision shall be made for proper management and maintenance of *natural features* and their immediate surroundings to avoid pollution, loss of vigor, reduction in composition or function or other ecological damage.

(j) Where appropriate, when a portion of a *natural feature* or its function must be altered, such alteration shall not only reinforce the function, vitality and existence of the remaining portion of the *natural feature* but also improve conditions for other *natural features*. This shall apply particularly but not exclusively to the removal and replanting of plant materials.

(k) Where appropriate, a *development* or *site alteration* shall be such as to leave *natural features* intact in their natural setting and, where feasible, visible from public streets or places.

(l) For a steep slope, the primary concerns are the preservation of natural beauty and the prevention of hillside erosion, landslide, and excessive runoff. Additional concerns arise where the steep slope area is part of the watershed of a creek, stream, brook, lake, pond or swamp. Accordingly, these additional requirements apply:

In all Residence Districts, for *residential developments* entirely within a steep slope area, the average *lot area per dwelling unit* shall not be less than 12,500 square feet. Except for R1 Districts, for individual zoning lots entirely within a steep slope area, where higher densities are justified by comparatively flat topography or other conditions, the City Planning Commission may permit deviations below this minimum average *lot area per dwelling unit*, provided that such minimum average *lot area per dwelling unit* is maintained for the *development* as a whole. *Development* may be

concentrated in clusters to preserve extensive portions of steep slope areas in their natural state as common *open space*, provided that such clusters are limited to areas of comparatively flat topography and will not require extensive grading on adjacent slopes or the creation of new steep slopes.

Existing vegetational cover in steep slope areas shall not be removed, destroyed or damaged except pursuant to *development* and grading plans approved by the City Planning Commission. An objective of such plans shall be to fit *street* layouts and *building* designs to the natural terrain, limit grading to a practical minimum and provide for maximum feasible preservation of the natural terrain and vegetational cover.

103-60 MAINTENANCE OF NATURAL FEATURES

For any *development* or *site alteration* on a tract of land within a *Special Natural Area District*, the City Planning Commission may require a maintenance plan for a *natural feature*. Where a maintenance plan is required, approval of the development plan and the granting of certification, authorization or special permit shall be conditioned upon the Commission's approval of the maintenance plan.

The maintenance plan shall specify what the maintenance is to consist of and whose responsibility it will be, and shall provide assurance that maintenance will be satisfactorily executed. The Commission, in considering the maintenance needs of a particular *natural feature* and the content of an acceptable maintenance plan shall, where appropriate, refer all relevant plans to the Landmarks Preservation Commission, Department of Parks or other city agency with primary responsibilities in natural areas conservation, for its report thereon. The Commission shall, in its determination, give due consideration to any such report submitted within one month from the date of referral. If such city agency does not report within one month, the Commission may make a final determination without reference thereto.

For *natural features* for which the Commission determines that specialized maintenance and regulated public use are appropriate, the maintenance plan may provide for dedication of the *natural feature* to the City or an approved private conservation organization for responsible maintenance in the public interest.

103-70 SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT

In order to carry out the purposes of this Chapter all *developments* used predominantly for *residential use* shall be subject to the provisions of this Section.

103-701

Applicability of large-scale residential development regulations

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) shall apply except as modified by the provisions of this Section.

Any *development* used predominantly for *residential uses* shall be treated as a *large-scale residential development*, and authorizations or special permits for such *development* may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein or in Section 103-80 (JOINT APPLICATIONS), regardless of whether such *development* will have the area, number of *buildings* or number of *dwelling units* specified in the definition of *large-scale residential development* as set forth in Section 12-10 (DEFINITIONS).

However, in R1 Districts, no modification of minimum required *lot area* as set forth in Section 23-32 (Minimum Lot Area or Lot Width for Residences) shall be allowed for any *development* pursuant to paragraphs (c) and (d) of Section 78-311 (Authorizations by the Planning Commission) but modifications of required *front or rear yards* and height and setback regulations on the periphery of such *development* pursuant to paragraphs (c) and (d) of Section 78-312 (Special permit authorizations) shall apply. Modification of side yards for all developments including developments in R1 Districts shall be subject to the provisions of Section 103-432 (Modification of yards and height and setback regulations).

Bonuses which may be granted for *large-scale residential developments* pursuant to Section 78-32 (Bonus for Good Site Plan) to Section 78-35 (Special Bonus Provisions) may not be granted for *developments* which have less than 10 acres and less than the number of *buildings* or number of *dwelling units* required by the definitions of a *large-scale residential development*.

Commonly or separately owned areas containing *natural features* may qualify as common *open space* for purposes of satisfying *open space* requirements in *residential developments*.

Approval by the City Planning Commission of a development plan incorporating *natural features* as common *open space* shall be conditioned upon the findings required in Section 78-313 (Findings) and Section 78-52 (Common Open Space) with respect to the qualification of areas as common *open space* and upon additional findings that appropriate safeguards are provided for the protection and preservation of such *natural features*.

In the case of *natural features* which are determined to have qualities of exceptional recreational, cultural or educational value to the public and which are directly accessible to the public from a public right-of-way, the applicant may request the City to take title or a less than fee interest in the property occupied by such natural feature without any cost to the City or its designee for use and enjoyment by the public subject to the provisions of Section 103-60.

103-80 JOINT APPLICATIONS

Notwithstanding the provisions of Section 78-06 (Ownership) a tract of land which is the subject of an application for authorizations or special permits under the provisions of this Chapter may include adjacent property in more than one ownership, provided that the application is filed jointly by the owners of all property included. Any subdivision of the tract reflecting ownerships at the time of application or creating new ownerships before, during or after *development* shall be subject to the provisions of Section 78-51 (General Provisions).

103-90 FUTURE SUBDIVISION

Within a *Special Natural Area District* and *zoning lot* existing on the effective date of the Special District designation may be subdivided into two or more *zoning lots* provided that *natural features* are preserved to the greatest extent possible under future development options.

A plan for such subdivision shall be filed with the Commission and the Commission shall certify that such subdivision complies with this objective. The subdivision plan shall include a survey map indicating existing topography and other *natural features* within this area. When a *zoning lot*, existing on the effective date of the Special District designation is more than 10 acres and is intended to be subdivided, an area plan of the entire

zoning lot shall be filed with the Commission. The area plan shall include the proposed street system within the area, block layouts and any other information required by the Commission.

103-91 SPECIAL DISTRICT DESIGNATION ON PUBLIC PARKS

When a *Special Natural Area District* is designated on a *public park* or portion thereof, any *natural features* existing on the effective date of this Chapter within such area shall not be removed, destroyed or altered unless authorized by the City Planning Commission. As a condition for granting such authorization, the Commission shall find that such authorization is consistent with the intent of the *Special Natural Area District*.

103-92 SPECIAL PROVISIONS FOR CITY-OWNED LAND

For any *development* or *site alteration* on city-owned land located within a *Special Natural Area District*, the provisions of Section 103-40 (SPECIAL REVIEW PROVISIONS) shall apply except that modifications permitted under Section 103-43 (Special Permits) may be approved by authorization of the City Planning Commission. Furthermore, provisions of Section 103-93 (Inter-agency coordination) apply to all *developments* or *site alterations* on City-owned land. However, the provisions of this chapter shall not apply to any public improvement project approved by the Board of Estimate prior to the effective date of the Special District designation.

103-93 INTER-AGENCY COORDINATION

Where an authorization or permit is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Department of Highways or Department of Buildings for land contour work, by the Department of Water Resources for storm water drainage systems for buildings or adjacent areas or where construction of a public improvement project is undertaken by a city agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed *development* or *site alteration* within a *Special Natural Area District* will best meet the purposes of the *Special Natural Area District*. Applications for any required permit or authorizations shall be filed simultaneously with each agency requiring a permit. Where differences exist among agencies concerning a proposed *development* or *site alteration* within the Special District, a three-member Inter-Agency Board of Conservation of Natural Features shall arbitrate prior to the issuance of any permit. Such Board shall consist of the following:

- the Deputy Mayor
- the Director of the City Planning Department
- the Commissioner of the agency directly involved

The Deputy Mayor shall be the Chairman of the Board.

104-94 SPECIAL NATURAL AREA DISTRICTS SPECIFIED

103-941

Special Natural Area District 1—Emerson Hill, Dongan Hills, Todt Hill, Lighthouse Hill and the central wetlands area of Richmond.

The central serpentine hilly spine of Staten Island is composed of Emerson Hill, Dongan Hills, Todt Hill and Lighthouse Hill. These hills are richly endowed with steep slopes, rock outcrops, erratic boulders and ponds, lakes, swamps, creeks and many trees of the glaciated Oak-Chestnut association.

To the south and west of the serpentine hills are tidal wetlands, a habitat for marine life and water fowl. The wetlands include parts of Latourette Park, Fresh Kills Park and New Springville Park. The high and low wetlands of Latourette Park and New Springville Park and most of the low wetlands of Fresh Kills Park remain in their natural state. The purpose of this *Special Natural Area District* is to preserve and protect the aforementioned *natural features* pursuant to the provisions of this Chapter.

The vegetation requirements set forth in Section 103-31 (Vegetation Requirements) shall apply within Special Natural Area District 1—and tree requirements set forth in Section 103-32 (Tree Requirements) shall apply within the area located northeast of Richmond Hill Road and southeast of Forest Hill Road.

APPENDIX A

Glossary

Part I. Certain botanic terms referred to in the text and Part II of Appendix A are explained below:

A "tree" is any woody plant with one trunk rising out of the earth and root system, from which branches then spring, usually at some distance from the earth. A tree may be deciduous or coniferous.

A "shrub" is a woody plant that has one or more trunks rising from the same root system instead of a single trunk. These trunks or stems may or may not branch at some distance from the earth. A shrub may be deciduous or coniferous.

A "herb" is a non-woody plant with a fleshy stem which dies back to the earth level at the end of the growing season. It may be annual, biennial, or perennial.

A "vine" is a woody plant whose trunk or stem must be supported by the general environment or other plants. It is unable to stand on its own.

A "grass" is a family of herbaceous plants, rarely woody, with hollow round stems.

An "annual" is a plant which completes its life cycle in the space of one growing season, that is, it goes from seed to full plant and flower and sets seed in the single season.

A "biennial" is a plant which requires two years to grow from seed to mature plant capable of producing seed and then dies.

A "perennial" is a plant which lives more than one or two years and usually produces seeds for more than a few years.

A "fern" is a perennial flowerless plant which reproduce by spores.

A "fungus" is a form of plant which is incapable of photosynthesis and depends upon the energy of other life forms for its sustenance.

An "association" is a grouping of many plant species over a wide area sharing a common habitat and similar geographic conditions.

A "community" is a series of plants, animals, algae, fungi, grasses, trees, shrubs, herbs and other life forms which characteristically grow and live together in harmony creating a balanced biological environment.

Part II. Description of Natural Features defined in Section 103-10 (NATURAL FEATURES).

A. Geologic Features

1. Rock Outcrop

A rock outcrop shows the type of rock underlying the area, the results of surface abrasion by glacier, waterborne or wind-borne matter, or the results of chemical or temperature weathering.

2. Geologic Deposits

Geologic deposits include:

Soils of different origins, such as Loess, mineral deposits, such as artinite, garnets, zircon, topaz, beryl, tourmaline, algite, tremolite, serpentine, muscovite, amethyst, peridot, jadeite, geodes and other elements of the Precambrian, Ordovician, Triassic, Cretaceous, Pleistocene and Holocene geology found in New York City.

An erratic boulder is a relatively large mass of rock which has been moved significant distances from its parent rock to be left amidst a geologic area which has a different history and origin than the parent.

B. Topographic Features

1. Steep Slope

A steep slope includes ground formation with sharp inclines such as hills and palisades.

2. Existing Natural Topography

Existing natural topography includes terrain other than steep slope areas.

C. Aquatic Features

1. Laminarian Zone

a. Rock Bottom

Characteristic Plants:

Chaetomorpha melagonium	}	Green algae
Cladophora gracillis		
Codium fragile		

Ascophyllum nodosum	}	Brown algae
Sargassum filipendula		
Agarum cribrosum		

Rhodomenia palmata (Dulse)	}	Red Algae
Ceramium robrum		
Ahnfeltia plicata		
Polysiphonia lanosa		
Seirospora griffithsiana		
Callithamnion corymbosum		

Characteristic animals:

Diadumene leucolea	Pallid sea anemone
Ceriantheopsis americanus	Worm sea anemone
Astrangia danae	Star coral
Crisia denticulata	Fringed moss animal
Bugula turrita	Turreted moss animal
Membranipora monostachys	Sea mat
Lepas fasticularis	Northern sea barnacle
Balanus balanoides	Rock barnacle

<i>Littorina littorea</i>	Common periwinkle
<i>Littorina littorea</i>	Smooth periwinkle
<i>Littorina obtusata</i>	Salt marsh periwinkle
<i>Crepidula fornicata</i>	Common boatshell
<i>Polinices dublicatus</i>	Shark eye
<i>Urosalpinx cinera</i>	Oyster drill
<i>Mytilus edulus</i>	Blue mussel
<i>Modiolus demissus</i>	Ribbed mussel
<i>Crassostrea virginica</i>	Virginia oyster
<i>Petricola pholadiformis</i>	False angelwing

b. Mud or Sand Bottom

Characteristic plants:

<i>Chaetomorpha melangonium</i>	} Green algae
<i>Cladophora gracillis</i>	

<i>Sargassum filipendula</i>	} Brown algae
<i>Laminaria agardhi</i>	
<i>Agarum cribosum</i>	

<i>Rhodomenia palmata</i> (Dulse)	} Red algae
<i>Cystoclonium purpureum</i>	
<i>Ahnfeltia plicata</i>	
<i>Polysiphonia lanosa</i>	
<i>Sierospora griffithsiana</i>	
<i>Callithamnion corymbosum</i>	

Characteristic animals:

<i>Ceriantheopsis americanus</i>	Worm sea anemone
<i>Littorina Littorea</i>	Common periwinkle
<i>Littorina obtusata</i>	Smooth periwinkle
<i>Littorina irrorata</i>	Salt marsh periwinkle
<i>Crepidula fornicata</i>	Common boatshell
<i>Polinices dublicatus</i>	Shark eye
<i>Lunatia heros</i>	Common moonshell
<i>Mytilus edulus</i>	Blue mussel
<i>Modiolus demissus</i>	Ribbed mussel
<i>Nucula proxima</i>	Atlantic nut clam
<i>Aequipecten irradians</i>	Bay scallop
<i>Mercenaria mercenaria</i>	Northern quahog
<i>Macoma baltica</i>	Baltic macoma
<i>Tagelus plebeius</i>	Stout razor
<i>Mya arenaria</i>	Soft shell clam
<i>Corbula contracta</i>	Common basket clam

2. Beach

Characteristic saltwater beach animals:

<i>Orchestia Agilis</i>	} Beach Flea
<i>Talitrus Longicornis</i>	

Nereis Virens	}	Sandworms or Bristleworms
Nereis Limbata		
Nephtys Picata		
Arabella Opalina		
Lumbriconereis Tenuis		
Glycera Americana		
Nerine Agilis		
Cirratulus Grandis		
Cistenides Gouldii		
Clymenella Torquata		
Maldane Elongata		
Penaeus Brasiliensis	}	Ghost Shrimp
Laldemonetes Vulgaris		
Crangon Vulgaris		
Ocypoda Arenaria		Ghost Crab
Limulus Polyphemus		Horseshoe Crab
Carcinides Moenas		Green Crab
Callinectes Sapidus	}	Blue Crab
Callinectes hastatus		
Ovalipes Ocellatus		Lady Crab or
Platyonichus Ocellatus		Sand Crab
Cancer Irroratus		Rock Crab
Uca Minax	}	Fiddler Crabs
Gelasimus Minax		
UCA Pubnax		
Gelasimus Pugnax		
UCA Pugilator		
Gelasimus Pugilator		
Pinnotheres Maculatum		Oyster Crab
Venus Mercenaria		Hardshell Clam
Mya Arenaria		Softshell Clam
Ensis Directus		Razor Clam
Tagelus Gibbus		Clam
Psilaster Florae		Starfish
Amphiura Squamata		Brittlestars
Echinarachniscus Parma		Sand Dollar
Haminae Solitaria	}	Snails
Scala Lineata		
Scala Multistriata		
Polynices Heros		
Polynices Triseriata		
Polynices Duplicata		
Crepidula Fornicata		
Crepidula Plana		
Littorina Littorea (Periwinkle)		
Urosalpinx Linera		
(Oyster Drill)		
Eupleura Caudata		
Columbella Avara		
Columbella Similis		
Columbella Anachis		
Columbella Astyris		
Columbella Lunata		
Nassa Trivittata		
Nassa Obsoleta		

3. Tidal Wetland or Saltwater Littoral Zone

a. Rock Bottom

Characteristic plants:

<i>Callothrix</i> spp.	}	Blue-green algae
<i>Rivularia atra</i>		

<i>Ulothrix flacca</i>	}	Green algae
<i>Enteromorpha intestinalis</i>		
<i>Ulva lactuca</i> (Sea lettuce)		
<i>Monostroma oxyspermum</i>		
<i>Codium fragile</i>		

<i>Fucus vesiculosus</i>	}	Brown algae
<i>Fucus vesiculosus</i>		
<i>var spiralis</i>		
<i>Fucus spiralis</i>		
<i>Ascophyllum nodosum</i>		

<i>Hildenbrandia prototypus</i>	}	Red algae
<i>Agardhiella tenera</i>		
<i>Chondrus crispus</i> (Irish moss)		
<i>Bangia fuscopurpurea</i>		
<i>Porphyra umbilicalis</i>		
<i>Ceramium rubrum</i>		
<i>Ahnfeltia plicata</i>		
<i>Polysiphonia lanosa</i>		
<i>Scirospora griffithsiana</i>		
<i>Callithamnion corymbosum</i>		

Characteristic animals:

<i>Lepas fascicularis</i>	Northern sea barnacle
<i>Balanus balanoides</i>	Rock barnacle
<i>Littorina littorea</i>	Common periwinkle
<i>Littorina obtusata</i>	Smooth periwinkle
<i>Littorina saxatilis</i>	Rough periwinkle
<i>Littorina irrorata</i>	Salt marsh periwinkle
<i>Crepidula fornicata</i>	Common boatshell

b. Mud or Sand Bottom

Characteristic plants:

<i>Callothrix</i> spp.	}	Blue-green algae
<i>Lyngbya majuscula</i>		
<i>Rivularia atra</i>		
(Mermaid's hair)		
<i>Rhizoslonium</i> spp.		

<i>Enteromorpha linza</i>	}	Green algae
<i>Ulva lactuca</i> (Sea lettuce)		
<i>Monostroma oxyspermum</i>		
<i>Codium fragile</i>		

<i>Chondrus crispus</i> (Irish moss)	}	Red algae
<i>Bangia fuscopurpurea</i>		
<i>Porphyra umbilicalis</i>		
<i>Ceramium rubrum</i>		
<i>Ahnfeltia plicata</i>		
<i>Polysiphonia lanosa</i>		
<i>Sierospora griffithsiana</i>		
<i>Callithamnion corymbosum</i>		

<i>Bacchairs halmilifolia</i>	Groundseltree
<i>Distichlis spicata</i>	Alkali grass
<i>Hybiscus palustris</i>	Marsh mallow
<i>Iva frutescens</i>	Marsh elder
<i>Juncus gerardi</i>	Black grass
<i>Limonium carolinianum</i>	Sea lavender
<i>Phragmites communis</i>	Reed
<i>Ruppia maritima</i>	Widgeon grass
<i>Salicornia</i> spp.	Perrenial saltwart
<i>Spartina Alternifolia</i>	Smooth cordgrass
<i>Spartina cynosuroides</i>	Salt reedgrass
<i>Spartina patens</i>	Salt hay
<i>Spartina pectinata</i>	Freshwater cordgrass
<i>Zostera marina</i>	Eelgrass

Characteristic animals:

<i>Ceriantheopsis americanus</i>	Worm sea anemone
<i>Littorina littorea</i>	Common periwinkle
<i>Littorina saxatilis</i>	Rough periwinkle
<i>Littorina littorea</i>	Salt marsh periwinkle

4. Swamp

Characteristic plants:

<i>Acer rubrum</i>	Red maple
<i>Acer</i>	Silver maple
<i>Alnus</i> spp.	Alder
<i>Arisaema triphyllum</i>	Jack in the pulpit
<i>Cephalanthus occidentalis</i>	Buttonbush
<i>Cornus florida</i>	Dogwood
<i>Epilobium hirsutum</i>	Willowherb
<i>Hibiscus moscheutos</i>	Rosemallow
<i>Salix</i> spp.	Willow
<i>Smilax glauca</i>	Catbrier
<i>Smilax rotundifolia</i>	Bulbrier
<i>Quercus palustris</i>	Pin oak

5. Marsh

Characteristic plants:

<i>Acnida</i>	Waterhemp
<i>Acorus Calamus</i>	Sweetflag
<i>Cyperus</i> spp.	Chufa
<i>Echinochola</i>	Wild millets
<i>Eleocharis</i>	Spikerushes
<i>Impatiens pallida</i>	Jewelweed

Leersia oryoides
Phragmites communis
Pontederia cordata
Polygonum
Sagittaria
Scirpus cyperinus
Typha latifolia
Zizania aquatica

Rise cutgrass
 Reeds
 Pickerelweed
 Smartweed
 Arrowhead
 Sedge, bullrush
 Cattails
 Wild rice

6. Bog

Characteristic plants:

Andromeda folifolia
Arethusa bulbosa
Caldopogon pulcherlus
Chamaedaphne calyculata
Drosera rotundifolia
Eriophorum virginicum
Iris versicolor
Ledum groenlandicum
Menyanthes trifoliata
Myrica gale
Peltandra virginica
Pogonia ophioglossoides
Rhododendron viscosum
Sarracenia purpurea
Solidago uliginosa
Sphagnum
Utricularia conuta
Vaccinium macrocarpon
Vaccinium oxycoccus

Bog rosemary
 Swamp pink
 Grass pink
 Leatherleaf, marsh cinquefoil
 Sundew plant
 Cottongrass
 Blue flag, wild iris
 Labrador tea
 Bogbean
 Sweetgale
 Arrow arum
 Snakes-mouth orchid
 Swamp azalea
 Pitcher plant
 Bog goldenrod
 Sphagnum moss
 Horned bladderword
 American cranberry
 Dwarf cranberry

7. Meadow

Characteristic plants:

Amelanchier canadensis
Apios americana
Lilium supurbum
Impatiens pallida
Lysmachia terrestris
Lythrum salicaria
Sambusus canadensis
Spireea tomentosa

Shadbush
 Groundnut
 Turk's Cap lily
 Jewelweed
 Swamp-candles
 Spiked loosestrife
 Elderberry
 Steeplebush

8. Creek, Stream or Brook

Creeks, streams and brooks are often classified by the rate at which the water flows, a fast stream being a water flow of about 2' a second. Creeks, streams and brooks are valuable for their drainage function, the fish they contain both as a source of sport and for the other forms of life which relate to the animal and plant life dependent upon the stream.

a. Fast Creek, Stream or Brook

Characteristic plants:

Fontalis	Water Moss
Ulothrix	Algae
Diatoma	Diatoms
Gomphonema	

Characteristic Animals:

Trichoptera	}	Caddisflies
Phyganea		
Rhyacophila		
Philopotamidae		
Hydropsychidae		
Hydropsyche		
Pharynganeidae		
Limnephilidae		
Leptocerus		
Leptocella		
Anthrpsodes		
Oecetis		
Brachycentridae		
Helicopsychidae		

Simulium	Blackfly
Ple Coptera	Stonefly
Tipulidae	Crane fly
Neuroptera	Dobsonfly
Ephemeroptera	Mayfly
Osonychia	
Percina Caprodes	Log Perch
Salvelinus Fontinalis	Brook Trout
Salmo Gairdneri	Steelhead Trout
Salmo Trutta	Brown Trout
Salmo Salar	Atlantic Salmon

b. Slow Creek, Stream or Brook

Characteristic plants are the same as those in a lake or pond

Characteristic animals:

Anisoptera	}	Dragon Fly
Iodonata		
Gerridae	}	Water Striders
Hemiptera		

Odonata	Damselflies
Zygoptera	
Orixiidae	Waterboatmen
Hexagenia	Mayfly
Sphaerium	Fingernail Clam
Semotilus Atromaculatus	Creek Chub
Ictalurus Punctatus	Channel Catfish
Ictalurus Catus	White Catfish
Ictalurus Melas	Black Catfish
Cyprinus Carpio	Carp
Esox Lucius	Northern Pike
Esox Americanus	Little Pickerel
Esox Niger	Chain Pickerel
Roccus Americana	White Perch
Roccus Saxatilis	Striped Bass

9. Lake or Pond

Characteristic plants:

Ceratophyllum demersum

Coontail

Lemna
Spirodella
Wolffia
Wolffella

Duckweeds

Myriophyllum

Watermillfois

Najas

Naiads

Nuphar

Cowlillies

Nymphaea

Waterlillies

Potamogeton

Pondweeds

Vallisneria spiralis

Wildcelery

10. Spring

Characteristic plants and animals are the same as those found in a swamp, a marsh, a bog, a meadow, a creek, stream, a brook, or a lake or pond.

D. Botanic Environment

1. Primary Succession Community Area

Characteristic plants:

Achillea millefolium

Yarrow

Anagallis arensis

Scarlet pimpernel

Anaphalis margaritacea

Pearly everlasting

Antennaria plantaginifolia

Pussy's Toes

Artemisia caudata

Tall wormwood

Asclepias syriaca

Common milkweed

Asclepias tuberosa

Orange milkweed

<i>Asparagus officinalis</i>	Garden asparagus
<i>Aster ericoides</i>	Heath aster
<i>Aster linariifolius</i>	Stiff-leaved aster
<i>Brassica nigra</i>	Black mustard
<i>Chrysanthemum leucanthemum</i>	Ox-eye daisy
<i>Cichorium intybus</i>	Chicory
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium discolor</i>	Field thistle
<i>Convolvulus sepium</i>	Wild morning glory
<i>Coreopsis lanceolata</i>	Coreopsis
<i>Cytisus scoparius</i>	Scotch broom
<i>Datura stramonium</i>	Jimsonweed
<i>Daucus carota</i>	Queen Ann's-lace
<i>Dianthus armeria</i>	Deptford pink
<i>Dianthus plumarius</i>	Garden pink
<i>Epilobium angustifolium</i>	Fireweed
<i>Erodium cicutarium</i>	Storks bill
<i>Eupatorium hyssopifolium</i>	Hyssop-leaved boneset
<i>Euphorbia cyparissias</i>	Cypress spurge
<i>Fragaria virginiana</i>	Wild strawberries
<i>Gnaphalium obtusifolium</i>	Sweet everlasting
<i>Holcus lanatus</i>	Velvetgrass
<i>Hypericum gentianoides</i>	Pineweed
<i>Hypericum perforatum</i>	Common St. John's-wort
<i>Hypochoeris radicata</i>	Cat's ear
<i>Linaria canadensis</i>	Old-field-toadflax
<i>Linaria vulgaris</i>	Butter-and-eggs
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Lychnis alba</i>	White campion
<i>Mataricaria matricarioides</i>	Pineappleweed
<i>Oenothera biennis</i>	Evening primrose
<i>Opuntia humifusa</i>	Prickly pear cactus
<i>Oxalis stricta</i>	Yellow woodsorrel
<i>Phytolacca americana</i>	Pokeweed
<i>Plantago lanceolata</i>	English plantain
<i>Polygonum persicaria</i>	Lady's thumb
<i>Polygonum pennsylvanicum</i>	Pinkweed
<i>Potentilla canadensis</i>	Old-field cinquefoil
<i>Potentilla recta</i>	Sulphur cinquefoil
<i>Rana unculus repens</i>	Creeping buttercup
<i>Rosa virginiana</i>	Virginia rose
<i>Rudebeckia hirta</i>	Black-eyed-susan

Saponaria officinalis	Bouncing-bet
Sedum acre	Stone crop
Solanum americanum	Black nightshade
Solanum dulcamara	Bitter nightshade
Solidago nemoralis	Grey goldenrod
Solidago puberula	Purple-stemmed goldenrod
Solidago tenuifolia	Grass-leaved goldenrod
Spergularia rubra	Pink sand-spurry
Tanacetum vulgare	Tansy
Taraxicum officinale	Dandelion
Trichostemma Dichotomum	Blue curls
Trifolium arvense	Rabbitfoot clover
Verbascum thapsus	Mullein
Yucca filamentosa	Yucca
Linaria canadensis	Old-field-toadflax
Linaria vulgaris	Butter-and-eggs
Lonicera japonica	Japanese honeysuckle
Lychnis acba	White campion
Matricaria matricarioides	Pineappleweed
Oenothera biennis	Evening primrose
Opuntia humifusa	Prickly pear cactus
Oxalis stricta	Yellow woodsorrel
Phytocaccia americana	Pokewood
Plantago lanceolata	English Plantain
Polygonum persicaria	Lady's thumb
Polygonum pensylvanicum	Pinkweed
Potentilla canadensis	Old-field cinquefoil
Potentilla recta	Sulphur cinquefoil
Ranunculus repens	Creeping buttercup
Rhus radicans	Poison ivy
Rosa virginiana	Virginia rose
Rudebeckia hirta	Black-eyed-susan
Saponaria officinalis	Bouncing-bet
Sedum acre	Stone crop
Solanum americanum	Black nightshade
Solanum dulcamara	Bitter nightshade
Solidago nemoralis	Grey goldenrod
Solidago puberula	Purple-stemmed goldenrod
Solidago tenuifolia	Grass-leaved goldenrod
Spergularia rubra	Pink sand-spurry
Tanacetum vulgare	Tansy
Taraxicum officinale	Dandelion
Trichostemma Dichotomum	Blue curls

2. Secondary Succession Community Area

Characteristic plants of a secondary succession community area includes the species found in a primary succession community area, a swamp, a meadow, and the following species:

<i>Acer Rubra</i>	Red maple
<i>Amelanchier Canadensis</i>	Shadbush
<i>Amelanchier Oboualis</i>	Serviceberry
<i>Betula Lenta</i>	Sweet birch
<i>Betula Lutea</i>	Yellow birch
<i>Betula Populifolia</i>	Grey birch
<i>Cornus Florida</i>	Flowering Dogwood
<i>Larix Laricina</i>	Larch
<i>Picea Mariana</i>	Black spruce
<i>Pinus Rigida</i>	Pitch pine
<i>Pinus Strobus</i>	White pine
<i>Prunus Serotina</i>	Black cherry
<i>Prunus Virginiana</i>	Choke cherry
<i>Rhus Copallina</i>	Dwarf sumac
<i>Rhus Glasbra</i>	Smooth sumac
<i>Rhus Radicans</i>	Poison ivy
<i>Rhus Typhina</i>	Staghorn sumac
<i>Rubus spp.</i>	Blackberries
<i>Salix spp.</i>	Willow
<i>Sambucus Canadensis</i>	Elderberry
<i>Smilax Rotunoifolia</i>	Bull brier
<i>Tilia Americana</i>	Bass wood, linden
<i>Vaccinium</i>	Blueberry

3. Climax Community Area

Characteristic plants:

<i>Acer rubra</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Amelanchier obovalis</i>	Serviceberry
<i>Azalea spp.</i>	Azalea
<i>Betula lenta</i>	Sweet birch
<i>Betula lutea</i>	Yellow birch
<i>Betula populifolia</i>	Grey birch
<i>Carpinus caroliniana</i>	Ironwood
<i>Carya alba</i>	Shelbark hickory
<i>Carya glabra</i>	Pignut hickory
<i>Carya ovata</i>	Shagbark hickory
<i>Carya tomentosa</i>	Mockernut hickory
<i>Castanea dentata</i>	Chestnut

<i>Chamaecyparis thyoides</i>	Atlantic white cedar
<i>Cornus florida</i>	Flowering dogwood
<i>Diospyros virginiana</i>	Persimmon
<i>Fagus grandifolia</i>	American beech
<i>Fraxinus americana</i>	White ash
<i>Gaylussacia</i>	Huckleberry
<i>Hamamelis virginiana</i>	Witchhazel
<i>Ilex opaca</i>	Holly
<i>Juglans cinera</i>	Butternut
<i>Juniperus virginiana</i>	Red cedar
<i>Kalmia latifolia</i>	Laurel
<i>Larix laricina</i>	Larch
<i>Liquidambar styraciflua</i>	Tulip
<i>Nyssa sylvatica</i>	Sour gum
<i>Ostrya virginiana</i>	Hop hornbean
<i>Picea mariana</i>	Black spruce
<i>Pinus rigida</i>	Pitch pine
<i>Pinus strobus</i>	White pine
<i>Prunus serotina</i>	Black cherry
<i>Prunus virginiana</i>	Choke cherry
<i>Quercus acuminata</i>	Chestnut oak
<i>Quercus alba</i>	White oak
<i>Quercus bicolor</i>	Swamp oak
<i>Quercus coccinea</i>	Scarlet oak
<i>Quercus pallustris</i>	Pin oak
<i>Quercus rubra</i>	Red oak
<i>Quercus velutina</i>	Black oak
<i>Sambucus canadensis</i>	Elderberry
<i>Sassafras variifolium</i>	Sassafras
<i>Tilia americana</i>	Basswood, linden
<i>Tsuga canadensis</i>	Hemlock
<i>Ulmus americana</i>	White elm
<i>Vaccinium</i>	Blueberry

4. Dune and Heathland

Characteristic plants:

<i>Aster undulatus</i>	Skydrop aster
<i>Ammophila Breviligulata</i>	Beachgrass
<i>Baptisia tinctoria</i>	Wild indigo, rattle box
<i>Corema couradii</i>	Broom crowberry
<i>Comptonia peregrina</i>	Sweetfern
<i>Deschampsia flexuosa</i>	Wavyhair grass
<i>Gaylussacia baccata</i>	Black huckleberry

<i>Helianthus canadense</i>	Frostweed
<i>Hieracium venosum</i>	Rattlesnake weed
<i>Hudsonia ericoides</i>	Golden beachheather
<i>Hudsonia tomentosa</i>	Wooly beachheather
<i>Myrica pennsylvanica</i>	Bayberry
<i>Potentilla tridentata</i>	Three toothed cinquefoil
<i>Rubus</i> spp.	Black berries, raspberries
<i>Vaccinium angustifolium</i>	Low sweet blueberries

5. Wild Grassland

A wild grassland of several grasses exists usually on poor soils and is composed of a mixture of native grasses, such as the following:

<i>Danthonia spicata</i>	Poverty oat grass
<i>Andropogon virginicus</i>	Broomsedge
<i>Bromus</i> spp.	Brome grass

(On September 30, 1974, Cal. No. 24, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

BOROUGH OF RICHMOND

No. 26

CPD 3 & 4

CP-22749A

PUBLIC HEARING in the matter of a zoning change, pursuant to Section 200 of the New York City Charter, involving an amendment of the Zoning Map, Section Nos. 21b, 26a, 26b, 26d, 27a and 27b delineating the boundaries of the "NA-1" Special Natural Area District. The "NA-1" District is bounded by Clove Road, Richmond Road, Wilson Stairway, Wilson Terrace, Madigan Place, a line 100 feet northerly of Wilson Terrace, the northerly prolongation of the westerly street line of Livia Street Stairway, the northerly prolongation of the center line of Ridge Avenue, Spring Street, a line 100 feet from and parallel to Emerson Court, the southerly prolongation of the westerly street line of Emerson Court, Forest Road, Medford Road, Ridge Avenue, Wooddale Avenue, Dalemere Road, a line 100 feet southwest of Wooddale Avenue, Hillview Place, the westerly prolongation of Hillview Place, the northerly prolongation of the southerly street line of Rochelle Street, Dalemere Road, Forest Road, a line 50 feet northerly of the westerly prolongation of the northerly street line of Dalemere Road, a line 100 feet westerly of Forest Road, the northwesterly prolongation of the southerly street line of Forest Road, a line 260 feet northerly of the southwest prolongation of the northerly street line of Dutchess Avenue, Forest Road, Richmond Road, a line 200 feet northeasterly of Four Corners Road, a line 150 feet westerly of Richmond Road, Four Corners Road, Flagg Place, a line 100 feet westerly of Richmond Road, a line 200 feet northeasterly of the northerly prolongation of the

center line of Buel Avenue, Richmond Road, the northerly prolongation of the southwesterly street line of Dongan Hills Avenue, a line 100 feet northwesterly of Richmond Road, the northerly prolongation of the northerly street line of Stobe Avenue, Richmond Road, Altamont Street, a line 100 feet northerly of Beacon Avenue, Boyle Street, the easterly prolongation of the center line of Summit Avenue, Summit Avenue, a line 100 feet northeasterly of Luigi Place, the southwesterly boundary of a park, Rockland Road, Nadine Street, a line 100 feet southwesterly of the westerly prolongation of the southerly street line of Richmond Road, a line 100 feet easterly of Nadine Street, Richmond Road, a line 350 feet easterly of Aultman Avenue, a line midway between Richmond Road and Mace Street, Aultman Street, Mace Street, Spruce Street, a line 100 feet northerly of Mace Street, a line 400 feet easterly of Lighthouse Avenue, Mace Street, Lighthouse Avenue, a line 100 feet northerly of Richmond Road, a line 250 feet easterly of Richmond Hill Road, Richmond Hill Road, Richmond Town Road, Arthur Kill Road, a line 590 feet northeasterly of the northerly prolongation of the northerly street line of Newvale Avenue, a line 100 feet northwesterly of Arthur Kill Road, a line 550 feet southwesterly of the northerly prolongation of the southerly street line of Newvale Avenue, Arthur Kill Road, the northwesterly prolongation of the center line of Corbin Avenue, Richmond Town Road, Arthur Kill Road, Park Drive South, the southerly boundary of a park, the east service road of the West Shore Expressway, the northerly boundary of a park, Park Drive West, Victory Boulevard Extension, Victory Boulevard, Spark Place, Signs Road, Park Drive North, Travis Avenue, Draper Place, Richmond Avenue, Park Drive East, Richmond Avenue, Forest Hill Road, Rockland Avenue, a line 200 feet westerly of the easterly street line of Ashworth Avenue, a line 100 feet northerly of Rockland Avenue, Forest Hill Road, Eastman Avenue, Colonial Avenue, Steers Street, Forest Hill Road, the northerly boundary of the New York City Farm Colony, Walcott Avenue, Brielle Avenue, Manor Road, the westerly prolongation of the northerly street line of Marshall Avenue, Peru Street, Pitt Avenue, Bogert Avenue, Morse Avenue, the boundary of a park, Todt Hill Road, Tillman Street, the southerly prolongation of the center line of Motley Avenue, the boundary of a park, Milford Drive, a line 100 feet westerly of Endor Avenue, Milford Avenue, a line 100 feet easterly of Hewitt Avenue, and Milford Road, Borough of Richmond, as shown on a map dated September 30, 1974.

(On September 30, 1974, Cal. No. 25, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

NOTE:

CAL. NOS. 27 THROUGH 36 WILL NOT
BE HEARD BEFORE 1 P.M.

CITY-WIDE

No. 27

CP-22784A

[Proposed amendments to the Zoning Resolution that would refine the regulations for the construction of urban open space including plazas, urban parks, sidewalk widenings and open air concourses in certain commercial districts to encourage the development of attractive, lively areas for pedestrians. The differences reflected herein between these proposed amendments and those of CP-22784 allow that urban parks larger than 10,000 square feet may be built, that the development rights of the urban park may be transferred to more than one receiving site, and require that some feature of rushing water be incorporated into the design of the urban park.]

CONTINUED PUBLIC HEARING in the matter of amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to various sections concerning urban open space including plazas, urban parks, sidewalk widenings and open air concourses, as follows:

Matter in **Bold Type** is new;

Matter in brackets [], is old, to be omitted;

Matter in *italics* is defined in Section 12-10.

12-10 DEFINITIONS

* * *

[Existing definition of Open Air Concourse to be deleted.]

Open Air Concourse

An "open air concourse" is an open area which provides access of light and air and direct pedestrian access from an adjoining *street, sidewalk widening or plaza* to an adjacent subway platform, subway mezzanine or subway concourse.

The *open air concourse* shall include a portion located at the level of such platform, mezzanine or concourse, or at such higher level as permitted by the district regulations, and shall have vertical circulation elements connecting such portion with open area adjoining a *street* at the level of its sidewalk. Such open area adjoining the *street* shall be part of the *open air concourse* to the extent that its function is limited to the accommodation of pedestrian movements to and from vertical circulation elements and around the perimeter of the *open air concourse's* lower level.

An *open air concourse* shall be open to the public during the same hours that the subway station entry is in operation.

An *open air concourse* is a type of *urban open space*.

* * *

Plaza

A "plaza" is an open area accessible to the public at all times, which is either:

- (a) A continuous open area along a *front lot line* or *sidewalk widening*, not less than 10 feet deep (measured perpendicular to the *front lot line* or *sidewalk widening*), with an area of not less than 750 square feet, and extending for its entire depth along the full length of the *front lot line* or *sidewalk widening* or for a distance of at least 50 feet thereof, whichever is the lesser distance; or
- (b) A continuous open area on a *through lot*, extending from *street* or *sidewalk widening* to *street* or *sidewalk widening* and not less than 40 feet in width measured perpendicular to the nearest *side lot line*; or
- (c) On a *corner lot*, an open area of not less than 500 square feet, which is bounded on two sides by the two intersecting *street lines* or *sidewalk widenings* adjacent thereto and which has a minimum dimension of 10 feet; or

* * *

Except as further restricted by the applicable district regulations, a *plaza* shall not at any point be more than five feet above nor more than twelve feet below the *curb level* of the nearest adjoining *street*, and shall be unobstructed from its lowest level to the sky except that arbors or trellises, awnings or canopies, railings not more than 50 percent open and not exceeding three feet, eight inches in height, flag poles, trees, open terraces or porches, [steps,] ornamental fountains or statuary, or enclosed balconies subject to the provisions of Sections 23-13 or 24-175 (Balconies) shall be considered permitted obstructions in *plazas*. Such permitted obstructions shall be in addition to any others specifically permitted by the applicable district regulations.

A *plaza* is a type of *urban open space*.

* * *

Sidewalk Widening

A "sidewalk widening" is a continuous open area unobstructed from its lowest level to the sky and extending along the full length of a *front lot line* at the same elevation as the adjoining sidewalk and directly accessible to the public therefrom at all times throughout its length.

A *sidewalk widening* is an *urban open space*.

* * *

Urban Open Space

An "urban open space" is a portion of a *zoning lot* which is accessible to the public and which qualifies either as an *open air concourse*, a *plaza*, a *sidewalk widening* or an *urban park*.

* * *

Urban Park

An "urban park" is a privately-owned open area comprising an entire *zoning lot*, which is developed for public use and enjoyment, and which:

- (a) Adjoins one or two *narrow streets*; and
- (b) At its nearest point is not less than 100 feet from a *wide street*; and
- (c) Has an area of not less than 4,000 square feet; and
- (d) Has a minimum length of 40 feet along any *front lot line*; and
- (e) Is publicly accessible from the *street* or *sidewalk widening* adjacent thereto along at least 50 percent of each frontage; and
- (f) Is open for public access and use from 8:00 A.M. to dark at least six days a week; and

(g) Has its surface level at no point higher than three feet above nor lower than three feet below the *curb level* of the nearest adjoining *street*, provided that an *urban park* having an area of 6,000 square feet or more may have its surface level at no point higher than six feet above nor lower than six feet below the *curb level* of the nearest adjoining *street*, but the total of areas elevated higher than three feet above and lower than three feet below the *curb level* of the nearest adjoining *street* may not exceed 25 percent of the total area of the *urban park*; and

(h) Is furnished with benches, chairs or other seating facilities; and

(i) Is illuminated with an overall level of illumination of not less than two foot candles; and

(j) Is landscaped with trees, shrubs or other suitable vegetation.

An *urban park* is a type of *urban open space*.

* * *

33-13

Floor Area Bonus for a Plaza or Plaza-Connected Open Area

33-131

Commercial buildings in certain specified Commercial Districts

	C6-1
	C6-1A
	C6-2
C5-2	C6-3
[C5-3]	C6-4
C5-4	C6-5
C4-7 [C5-5]	C6-8

In the districts indicated, except as otherwise provided in Section 82-08 (Modification of Bulk and Height and Setback Requirement), for each square foot of *plaza* or portion of a *plaza* provided on a *zoning lot*, or for each square foot of open area unobstructed from its lowest level to the sky, which has a minimum dimension of 40 feet and which connects two *plazas* or a *plaza* with a *street*, the total *floor area* permitted on that *zoning lot* under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a *commercial building* may be increased as set forth in the following table:

Floor Area Bonus

Permitted additional *floor area* per square foot of *plaza* or *plaza* connected open area (in square feet)

		C5-3	C6-6
		C5-5	C6-7
[10]			C6-9]
			C6-1A
			C6-4
		C5-2	C6-5
6	C4-7	C5-4	C6-8
			C6-1
			C6-2
4			C6-3

33-132

Community facility buildings in C1 or C2 Districts with bulk governed by surrounding R9 or R10 District

C1-1	C2-1
C1-2	C2-2
C1-3	C2-3
C1-4	C2-4
C1-5	C2-5

In the districts indicated, when mapped within an R9 or R10 District, for each square foot of *plaza* or portion of a *plaza* provided on a *zoning lot*, or for each square foot of open area unobstructed from its lowest level to the sky, which has a minimum dimension of 40 feet and which connects two *plazas* or a *plaza* with a street, the total *floor area* permitted on that *zoning lot* under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a *community facility building* or a *building* used for both *commercial* and *community facility uses*, may be increased by six square feet.

33-133

Community facility buildings in certain other specified Commercial Districts

C6-1
C6-2
C6-3

In the districts indicated, except as otherwise provided in Section 82-08 (Modification of Bulk and Height and Setback Requirements), for each square foot of *plaza* or portion of a *plaza* provided on a *zoning lot*, or for each square foot of open area unobstructed from its lowest level to the sky, which has a minimum dimension of 40 feet and which connects two *plazas* or a *plaza* with a *street*, the total *floor area* permitted on that *zoning lot* under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a *community facility building* or a *building* used for both *commercial* and *community facility uses* may be increased as set forth in the following table:

C1-8	C2-7	C4-6	C5-1	C6-4
C1-9	C2-8	C4-7	C5-2	C6-5
			C5-4	C6-8

Floor Area Bonus

Permitted additional *floor area* per square foot of *plaza* or *plaza connected open area* (in square feet)

[10

C5-3
C5-5
C6-6
C6-7
C6-9]

6

C1-8 C2-7 C4-6 C5-1 C6-3
C1-9 C2-8 C4-7 C5-2 C6-4
C5-4 C6-5
C6-8

4

C6-1
C6-2

[Existing Section 33-14 to be deleted.]

33-14

Floor Area Bonus for Urban Open Space

	C6-6
C5-3	C6-7
C5-5	C6-9

In the districts indicated, for each square foot of *urban open space* provided on a *zoning lot* in accordance with the provisions of this Section, the total *floor area* permitted on that *zoning lot* under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a *commercial* or *community facility building* may be increased by ten square feet, except that this provision shall not apply to an *urban park*.

The regulations affecting the eligibility of the different types of *urban open space* for bonus *floor area* are set forth in this Section and in Sections 74-91 (Urban Open Space Modifications and 74-92) (Urban Parks).

33-141

General Provisions

(a) Frontage

All *urban open spaces* shall adjoin either a *front lot line* or a *sidewalk widening*. An *urban open space* that adjoins a *sidewalk widening* is considered to front upon the *street line* which borders the *sidewalk widening*.

(b) Restrictions on location of non-qualifying open area

To preserve the intent of the definitions and regulations relating to the boundaries, proportions and obstructions not permitted in *urban open spaces*, open area which does not qualify for bonus *floor area* may not be located between two *urban open spaces* or between an *urban open space* and a *building wall* or *arcade* of the *development*.

(c) Street trees

Except where the Commissioner of Buildings determines that the following tree planting is infeasible, such as being precluded by subway tunnel or other subsurface condition, shade trees are required to be planted in the *street right-of-way's* sidewalk area adjacent to any *urban open space* for which a bonus is granted. At least one shade tree of six-inch caliper or more shall be planted for each 25 feet of frontage, or fraction thereof, abutted by such *urban open space*. Such shade trees shall be spaced a minimum of 15 feet and a maximum of 25 feet apart. They shall be planted with gratings flush to grade in at least 200 cubic feet of soil in an area of at least 50 square feet per tree, and planted and maintained in accordance with the standards and species selection established by the Manhattan Street Tree Planting Division of the Department of Parks. Where planting of a required street tree in the sidewalk area of a *street* is precluded and an *urban open space*, or portion thereof, other than a *sidewalk widening* or the mezzanine portion of an *open air concourse*, fronts upon such *street* and has a depth of at least 18 feet measured perpendicular to the *street line*, the required number of trees shall be planted in such *urban open space* and shall be in addition to any trees required to be planted therein by other applicable provisions. Requirements of such other provisions that trees be planted in groves shall not apply to required additional trees in lieu of *street* trees planted within 18 feet of the *street line* or of a *sidewalk widening* adjacent thereto. No trees shall be planted in a *sidewalk widening*.

(d) Paving

The paving materials of all adjacent sidewalk area or *sidewalk widening* area, if any, shall be the same as those of the *urban open space* if the *development site*:

1. has *street* frontage on the short side of the *block* for the entire length of such side, or
2. has no *street* frontage on a short side of the *block* but has at least 150 feet of frontage on a long side of the *block*.

For purposes of this provision a short side of the *block* is a side measuring less than 300 feet in length, and any other side is a long side. Where the Commissioner of Highways reports that such paving of the sidewalk is not feasible, the Commissioner of Buildings may waive the requirements of this paragraph.

(e) Standards and dimensions for elements of pedestrian circulation system

Wherever pedestrian access or a pedestrian connection is required, except as otherwise provided in Section 74-92 (Urban Parks), the following standards shall apply for the benefit of handicapped persons, so that along at least one path of travel:

1. Walks shall have a minimum width of five feet, except where specific provisions require a greater width.
2. Walks shall have a durable, finished surface. Steps or abrupt changes in level are not permitted.
3. Ramps shall be provided wherever gradients in excess of one in 20 are required to effect changes in elevation and elevator or escalators are not required or provided.
4. Ramps shall have a non-skid surface and a gradient not exceed one in eight unless otherwise specified in the Building Code.
5. Ramps shall have a minimum width of 30 inches.
6. At each end of a ramp and wherever a sharp change in direction occurs there shall be a level landing at least five feet long.
7. Where stairs are provided in an *urban open space*, they shall have closed risers, and treads shall not project beyond riser faces. Maximum riser heights are seven inches. Minimum tread widths are 11 inches. Treads shall have a non-skid surface. Wherever a change in elevation greater than five feet is effected by stairs, handrails shall be provided at a height of 32 inches measured from the tread at the face of the riser and shall extend 12 inches beyond the stair ends.

(f) Permitted obstructions

An *urban open space* shall be unobstructed from its lowest level to the sky except for the following obstructions, which are permitted in *plazas*, *open air concourses* or *urban parks*, but not in *sidewalk widenings*: Any features, equipment, or appurtenances normally found in public parks or playgrounds, such as fountains or reflecting pools, waterfalls, sculptures or other works of art, arbors or trellises, benches, seats, trees, planting beds, trash baskets or receptacles, drinking fountains, or bicycle racks; open air cafes; bazaar furniture; lights and lighting stanchions; flag poles; public telephones; displays or exhibitions; awnings or canopies; elevators; escalators; bridges; or kiosks

with an aggregate area not exceeding 300 square feet or 10 percent of the total area of the *urban open space*, whichever is less.

(g) Prohibition of driveways, parking spaces or loading berths

No parking spaces, passenger drop-offs, or loading berths are permitted within an *urban open space*. No driveways are permitted in any *urban open space* except a *sidewalk widening*.

(h) Seating

Where seating is required in a particular type of *urban open space* and the amount required is stated in terms of linear feet of seating, the following standards shall apply:

1. Seating with backs at least 12 inches high shall have a minimum depth of 14 inches. Other seating shall have a minimum depth of 16 inches. Seating 30 inches or more in depth shall count double provided there is access to both sides.
2. Seats shall be no higher than 36 inches and no lower than 12 inches above the level of the adjacent walking surface.
3. The tops of walls including but not limited to those which bound planting beds, fountains or pools may be counted as seating provided they conform to the dimensional standards in subparagraphs (1) and (2).
4. Permanent individual seats may be credited as 18 inches of linear seating.
5. Moveable seating or chairs, except seating of outdoor restaurants or cafes, may be credited as 30 inches of linear seating.
6. Steps, seats in outdoor amphitheaters or seating of outdoor restaurants do not count toward meeting the seating requirements.

(i) Planting

Where trees are planted in an *urban open space*, whether such planting is optional or required for the particular type of *urban open space*, the following regulations shall apply:

1. Except as otherwise provided in paragraph (c) of this Section, such trees shall be planted grouped together in groves, each grove containing at least six trees or, if the total number of trees planted in such *urban open space* is less than six, such lesser number of trees.
2. Trees planted in groves may be either shade or ornamental trees.
3. Shade trees planted in a grove shall be spaced a minimum of 15 feet and a maximum of 25 feet apart and shall be at least four-inch caliper at the time of planting.
4. Ornamental trees planted in a grove shall be spaced a minimum of 6 feet and a maximum of 16 feet apart and shall be not less than 10 feet high at the time of planting.
5. Shade trees shall be planted in at least 200 cubic feet of soil in an area of at least 50 square feet per tree. Ornamental trees shall be planted in at least 150 cubic feet of soil in an area of at least 50 square feet per tree.
6. All trees shall be planted with gratings flush to grade or in planting beds.

7. Any planting bed shall have a soil depth of at least two feet for grass or other ground cover, three feet for shrubs or ornamental trees, or four feet for shade trees. Each planting bed shall have a continuous area of at least 75 square feet exclusive of bounding walls.

(j) Lighting

Urban open spaces shall be illuminated with an overall level of illumination of not less than two foot candles. Such level of illumination shall be maintained throughout the hours of darkness, unless otherwise specified for a particular type of *urban open space*.

(k) A plaque or other permanent *sign* with a *surface area* not less than two nor more than five square feet shall be displayed in a prominent location on any *urban open space* for which a bonus is granted. Such *sign* shall indicate all features of the following types which may be required on or adjacent to the *urban open space*:

1. Number of street trees.
2. Number of shade or ornamental trees, if any, within the *urban open space*.
3. Number of movable chairs.
4. Number and location of elevators, if any.
5. Any other features whose listing may be required by the City Planning Commission as a condition for the issuance of a special permit under the provisions of Section 74-91 (Urban Open Space Modifications) or Section 74-92 (Urban Parks).

(l) Signs

An *urban open space*, except an *urban park*, shall be treated as a *street* for the purposes of the applicable *sign* regulations. Notwithstanding the provisions of Section 32-642 (Non-illuminated signs) and Section 32-644 (Illuminated or *flashing signs* in C4, C5-4, C6, or C7 Districts), except in C6-7 Districts *flashing signs* are not permitted to be displayed so as to be visible from an *urban open space* on the same *zoning lot*, and the maximum *surface area* of non-illuminated or *illuminated signs* on *urban open space* frontages shall not exceed three times the *urban open space* frontage of the *zoning lot* (in feet), but in no event more than 200 square feet for *interior* or *through lots* or 200 square feet on each frontage ~~for~~ *corner lots*.

33-142 Plaza regulations

It is the intent of this Section that *plazas* which are provided in *commercial districts* with a basic maximum *floor area ratio* of 15 shall be designed for the use and enjoyment of large numbers of people. They should provide attractive areas for sitting, standing and strolling enhanced by landscaping and public amenities such as fountains, pools, or statuary. They should provide extra space for pedestrian circulation where the needs are greatest: near *street* intersections and entrances to subway stations.

Except as otherwise provided in Section 74-91 (Urban Open Space Modifications), in order to qualify for bonus *floor area* a *plaza* shall be governed by the regulations generally applicable to *urban open spaces* as set forth in Section 33-141 (General provisions) and in addition shall conform to the following regulations and restrictions.

(a) Restrictions on location and orientation

1. In districts other than C5-5 or C6-9 Districts, in order to limit the total amount of open space provided without interruption along *streets* with short *block* frontages and to achieve a sense of enclosure for the *plazas* themselves, the following regulation will control the location of *plazas* on *block* fronts measuring less than 300 feet between intersecting *streets*: a *plaza*, except where combined with an adjacent *open air concourse* on the same *zoning lot*, shall not occupy more than 33 percent of such total *block* frontage if an existing *plaza*, *open air concourse* or *public park* more than 12 feet in depth is located within 175 feet of any part of the *development* site's frontage, fronts on the same *street* on either the same or the opposite side of the *street*, and occupies more than 33 percent of the total frontage on such *street* in the *block* in which it is located.

2. For any *development* on a *zoning lot* having southern exposure on a *narrow street*, except in C5-5 or C6-9 Districts, at least 80 percent of the total *plaza* area shall have southern exposure on that *narrow street*. However, a *plaza* which fronts only on a *wide street* is exempt from this requirement. For the purpose of this regulation southern exposure means exposure in any direction between west-southwest and east-southeast.

b. Area, dimensions and siting

A *plaza* shall conform to all the requirements of the definition of *plaza* as set forth in Section 12-10 (DEFINITIONS) and shall be limited to the alternative siting and dimensional controls set forth in paragraphs (a), (b) and (c) of the definition. Paragraph (d) thereof shall not be applicable.

(c) Restrictions on shape: major and residual portions of plazas

All contiguous *plaza* area on a *zoning lot* shall be considered as one *plaza*. The shape and dimensions of a *plaza* shall be such that for a major portion of the *plaza*, comprising at least the percentage of total area specified herein, all points within such major portion shall be visible from all other points therein. For the purpose of this regulation points which when viewed directly from above may be joined by a straight line shall be considered visible one from the other; visibility between points is not affected by permitted obstructions. The major portion of a *plaza* shall be at least 80 percent of the *plaza's* total area, except that in the case of a through *block plaza* as defined in paragraph (f) below, the major portion shall be at least 60 percent of the *plaza's* total area. The major portion of the *plaza* shall be subject to the rules on proportions set forth in paragraph (d). The residual portion, if any, shall be subject to its own rules on proportions as set forth in paragraph (e).

(d) Proportional restrictions for major portions of *plazas*

1. For major portions of *plazas* with frontage on two or more intersecting *streets*, the length of the frontage along any one *street* shall not be greater than three times the average depth of the *plaza* measured perpendicular to the *line* of said *street* from the *building* wall which faces it.

2. For major portions of *plazas* with frontage on *not* more than one *street*, at no point shall the depth from *building* wall to *street*

line be less than half nor more than twice the length of the frontage along such *street line*. The width of such *plaza* shall not be less than 50 feet.

3. For purposes of these proportional restrictions only, an adjacent *sidewalk widening* shall be included within the major portion of a *plaza*, and an adjacent *arcade* with a height of not less than 36 feet extending along the entire length of the *plaza* boundary may be included within the major portion of a *plaza*.

(e) Proportional restrictions for residual portions

For residual portions of *plazas* either with frontage on a *street* or opening only on the major portion of the *plaza*, the length of such frontage or such opening shall not be greater than three times the average depth of such residual portion. For purposes of this proportional restriction, an adjacent *sidewalk widening* shall be included within the residual portion of the *plaza*.

(f) Regulations for building walls adjoining through *block plazas*

Any *plaza* or portion of a *plaza* extending through the *block* and connecting two *streets* which are parallel or within 45 degrees of being parallel to each other shall have a minimum width of 40 feet. Any portion of a *building* wall adjoining such *plaza* for a length greater than 125 feet shall be limited to a maximum height of 85 feet above the *plaza* level and above such height the *building* shall be set back not less than 15 feet from the *plaza* boundary, provided that such regulation shall not apply where the through *block plaza* has a minimum width of 75 feet.

(g) Circulation and access

A *plaza* shall be open to use by the public at all times, with direct access from an adjoining public sidewalk or *sidewalk widening* along at least 50 percent of its length on each frontage.

A *plaza* with an area of less than 10,000 square feet shall not at any point be more than three feet above or below the *curb level* of the nearest adjoining *street*.

A *plaza* with an area of 10,000 square feet or more may have a maximum of 15 percent of its area at an elevation more than three feet above or below, but not more than five feet above or below, *curb level* of the nearest adjoining *street*. However, where there is a grade change of at least 2.25 feet in 100 along a portion of a *street* fronted upon for a distance of at least 100 feet by a *plaza* with an area of 10,000 square feet or more, all or any portion of such *plaza* may be at any elevation which is not more than five feet above or below *curb level* of the nearest adjoining *street*.

Where an entry to a subway station exists in the sidewalk area of a *street* on which a *plaza* fronts and such entry is not replaced within the *plaza* itself, the *plaza* shall be developed at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such *plaza* area around a subway station entry shall be free of all obstructions. Where an entry to a subway station is provided within the *plaza* itself, the top of the stairway and escalators, if any, shall be not less than 15 feet from any *street line*, and a pedestrian path at least 15 feet in width and free of all obstructions shall be provided between the stairway and the sidewalk of each *street* on which the *plaza* fronts or a *sidewalk widening*

adjacent thereto. Areas occupied by such pedestrian paths shall be developed at the same elevation as adjacent sidewalks for a distance of at least 15 feet from the stairway's top riser. Stairs shall have a minimum width of 12 feet and conform to the standards set forth in Section 33-141 (General provisions). Up and down escalators, if provided, shall each have a minimum width of 48 inches.

On *plazas* with frontages on more than one *street* a pedestrian path at least ten feet in width and free of all obstructions shall be provided connecting the sidewalks or *sidewalk widenings* along each frontage with one another. Such pedestrian paths shall be aligned so as to shorten the walking distance which would be traversed along *street* rights-of-way between the points connected. They shall provide level connections at both ends, and grade changes along the route shall not be greater than required by grade differences at the ends. For *plazas* fronting on more than two *streets* only one such pedestrian path is required.

(h) Maximum area occupied by permitted obstructions

In addition to the obstructions permitted in the definition of *plaza* as set forth in Section 12-10 (DEFINITIONS), any others specifically listed in paragraph (f) of Section 33-141 (General provisions) are also permitted. Permitted obstructions, including any which are required, may occupy in the aggregate not more than the following percentages of total *plaza* area:

Total Plaza Area (square feet)	Maximum Percent permitted obstructions which may be occupied by
Under 5,000	33%
5,000 - 5,999	36%
6,000 - 6,999	39%
7,000 - 7,999	42%
8,000 - 8,999	45%
9,000 - 9,999	48%
10,000 or more	50%

Additional kinds and amounts of obstructions may be authorized by special permit of the City Planning Commission pursuant to the provisions of Section 74-91 (Urban Open Space Modifications).

Trees do not count as obstructions for purposes of calculating total area occupied by permitted obstructions, but they may not be located in areas required for pedestrian circulation unless planted with gratings flush to grade. If trees are planted in planting beds with retaining walls, the planting beds and walls shall count for purposes of calculating such total area of obstructions.

(i) Uses

At least 50 percent of the frontage in *building* walls fronting on a *plaza* or an *arcade* adjoining a *plaza* shall be allocated for occupancy by eating or drinking places; libraries, museums or non-commercial art galleries; or retail or service establishments listed as such in permitted *use groups*, but not including banks, loan offices or travel bureaus. All such *uses* shall be directly accessible from the *plaza* or adjoining *arcade*. The remaining frontage may be occupied by other *uses*, lobby entrances or other circulation space.

Kiosks qualifying as permitted obstructions may be occupied by news or magazine stands, take-out food stands, candy stands, flower stands, or similar uses, or may serve as shelters.

Notwithstanding the provisions of Section 32-41 (Enclosure within Buildings), outdoor eating services or uses occupying kiosks may serve customers on *plazas* through open windows.

Litter containers shall be provided in connection with outdoor eating services or other uses permitted on *plazas*, which generate litter. Eating or drinking places which provide outdoor table service on *plazas* shall be held responsible for controlling any litter resulting from their operations and shall be equipped with devices as necessary for preventing the scatter of such litter.

Furniture of open air *plaza uses* shall be confined within areas designated on building plans as available for occupancy by such uses. Encroachment of an open air *plaza use* outside an area so designated shall be a valid ground for complaint and removal.

Upon complaint filed by the Community Planning Board with the City Planning Commission alleging that any establishment operating as an open air *plaza use* has failed to meet its responsibilities for litter control or confinement of furniture, the City Planning Commission after due notice shall hold a public hearing on such complaint. If the Commission finds that such establishment has in fact failed to meet its responsibilities for litter control or furniture confinement, it shall issue an order that operation of such establishment as an open air *plaza use* be discontinued and shall transmit a copy of such order to the Department of Buildings. Not less than 30 days thereafter use of the area vacated by such establishment may be recommenced under certificate of occupancy rules of the Department of Buildings and only in accordance with the regulations of this Section.

(j) Seating

There shall be a minimum of one linear foot of seating for each 35 square feet of *plaza* area. Not more than 50 percent of the credited linear seating capacity may be in moveable seats which may be stored between the hours of 7 P.M. and 7 A.M. Qualification of seating shall be in accordance with the standards set forth in Section 33-141 (General provisions).

(k) Planting

Any *plaza* with an area of at least 3,000 square feet but less than 6,000 square feet shall be planted with at least three shade or ornamental trees. For *plazas* with an area of 6,000 square feet or more, at least one tree shall be planted for each 2,000 square feet, or fraction thereof, of the *plaza's* area. Shade or ornamental trees shall be planted in groves and conform to the standards set forth in Section 33-141 (General provisions).

33-143

Sidewalk widening

In order that a *sidewalk widening* may qualify for bonus *floor area*, it shall have a depth (measured perpendicular to the *street line*)

1. Not greater or less than five feet along a *narrow street* both of whose nearest intersections are at right angles.
2. Not greater or less than 10 feet along a *wide street* both of whose nearest intersections are at right angles.

3. Averaging not greater or less than five feet and at no point more than seven feet or less than three feet along a *narrow street* one or both of whose nearest intersections are not at right angles.

4. Averaging not greater or less than ten feet and at no point more than 14 feet or less than 6 feet along a *wide street* one or both of whose nearest intersections are not at right angles.

For *developments* which include a *plaza* or an *open air concourse* and front on a *wide street* having a width less than 90 feet, a *sidewalk widening* is required along such *wide street*. A *sidewalk widening* is also required along any *street* frontage where a *sidewalk widening* exists on an adjacent *zoning lot's* frontage on the same *street*.

33-144

Open Air Concourses

It is the intent of this Section that *open air concourses* be designed to fulfill effectively the purposes of providing natural access of air and daylight to the platform, mezzanine or concourse of a subway station and of facilitating the access and dispersal of people using the subway system.

The portion of an *open air concourse* which is hereinafter referred to as "the mezzanine portion" includes area at or near the platform or mezzanine level of a subway station and the area for vertical circulation elements connecting such level with the street level. Any portion of the *open air concourse* which is provided at or near *street* grade is hereinafter referred to as "the street level portion." Any area at the level of the mezzanine portion which is directly below a street level portion, even though publicly accessible, shall be excluded in calculating the area of the mezzanine portion.

In order that an *open air concourse* may qualify for bonus *floor area* under provisions of this Section, it shall satisfy the following requirements:

(a) Area of mezzanine portion

The area of the mezzanine portion shall not be less than 6,000 square feet nor more than 8,000 square feet. Special permits for *open air concourses* whose mezzanine portions have areas of less than 6,000 square feet or more than 8,000 square feet may be granted by the City Planning Commission in accordance with the provisions of Section 74-91 (Urban Open Space Modifications).

(b) Area of street level portion

The total area of the street level portion shall not exceed the area required to accommodate required pedestrian movements as set forth in paragraph (d). Any additional open area in excess of such requirement and adjoining the street level portion of the *open air concourse* shall be developed in accordance with the provisions of paragraphs (b) through (k) of Section 33-142 (Plaza regulations).

(c) Location, dimensions and proportions

(1) The mezzanine portion shall be located so that its nearest point is not more than 75 feet from the nearest turnstile in the subway station. Such requirement may be modified by special permit of the City Planning Commission in accordance with the provisions of Section 74-91 (Urban Open Space Modifications).

(2) Along at least 50 percent of their common boundary line the subway station shall be open to the mezzanine portion of the

open air concourse or separated therefrom only by a wall or fence which is either transparent or not less than 75 percent open.

(3) The shape and dimensions of an *open air concourse* shall be such that for at least 80 percent of the area of the mezzanine portion all points are visible from all other points and for at least 80 percent of the street level portion all points are visible from all other points. For the purpose of this regulation points which when viewed directly from above may be joined by a straight line shall be considered visible one from the other; visibility between points is not affected by permitted obstructions.

(4) The mezzanine portion shall have a minimum horizontal dimension of 40 feet or two and one-half times the depth of its floor below *curb level*, whichever is more.

(d) Circulation and access

The street level portion of an *open air concourse* shall be directly accessible from an adjoining public sidewalk or *sidewalk widening*.

The street level portion of the *open air concourse* shall at no point be more than three feet above or below the *curb level* of the nearest adjoining *street*.

Within the street level portion of the *open air concourse* or in *arcades* adjacent to the *open air concourse*, the following pedestrian movements shall be accommodated by pedestrian ways having a width of at least 20 feet free of all obstructions other than trees planted with gratings flush to grade.

widening) on which the *open air concourse* fronts and a stair-

(1) Between the sidewalk of each *street* (or adjacent *sidewalk* way providing connection with the mezzanine portion.

(2) Between the sidewalk of each *street* (or adjacent *sidewalk widening*) on which the *open air concourse* fronts and an entrance to the *building*.

Along the entire length of any *building* wall abutting an *open air concourse* and directly adjacent to such wall there shall be provided within the street level portion or in an *arcade* adjoining the *open air concourse* an unobstructed way for pedestrians not less than 20 feet in width. Such way shall connect at each of its ends with a *street* either directly or indirectly by means of a pedestrian way required by subparagraph 2 above.

Public access to the mezzanine portion shall be provided by means of stairs having a minimum width of 12 feet and conforming to the standards set forth in Section 33-141 (General provisions). The top of the stairs shall be located within the street level portion not less than 15 feet from any *street line*. For a distance of at least 15 feet in all directions from the top of the stairs, the street level portion shall be developed at the same elevation as the adjacent sidewalk and free of all obstructions, other than protective walls and handrails for the stairway.

Where subway stairs exist in the sidewalk area adjacent to the *zoning lot*, such stairs shall be removed, subject to the approval of the New York City Transit Authority, and the sidewalk restored in the area which they occupied.

Alternative public access to the mezzanine portion shall be provided by elevator or up and down escalators within the *building*

and shall be clearly signed from both street level and mezzanine portions. Up and down escalators shall have a minimum width of 48 inches each. Such alternative access shall be open to the public during the hours that the subway entry is open.

An entrance to the *building* shall be provided from the mezzanine portion of the *open air concourse* and access to building elevators shall be provided on the level of such entrance.

Except for access stairs and escalators, all parts of the mezzanine portion shall be located at the same level as the level of the subway station platform or mezzanine with which it connects, or not more than three feet above such level. If the entrance to the subway station is at a lower elevation than parts of the mezzanine portion, the change in grade required for pedestrian access to the subway station shall be effected by stairs and ramp conforming to the provisions of paragraph (e) of Section 33-141 (General provisions).

Permitted obstructions as set forth in paragraph (f) of Section 33-141 (General provisions), but exclusive of vertical circulation elements, shall not occupy more than 33 percent of the area of the mezzanine portion and shall leave ways not less than 20 feet in width for free flow of pedestrian traffic between the subway station, *building* entrance and vertical circulation elements.

(e) Allocation of frontages for retail use.

The following frontages shall be allocated for occupancy by eating or drinking places; libraries, museums or non-commercial art galleries; or retail or service establishments listed as such in permitted *use groups*, but not including banks, loan offices or travel bureaus:

1. At least 50 percent of the *building's* frontage on the street level portion of an *open air concourse* or on an *arcade* adjoining such *open air concourse*, exclusive of frontage devoted to *building* entrances or vertical circulation elements.
2. At least 50 percent of all frontage on the mezzanine portion with a depth of 15 feet or more or property behind it, exclusive of frontage utilized for subway access, *building* entrances or public circulation.

All such *uses* shall be directly accessible from the *open air concourse* or adjoining *arcade*. The remaining unrestricted frontages may be occupied by other permitted *uses*.

Kiosks qualifying as permitted obstructions may be occupied by news or magazine stands, take-out food stands, candy stands, flower stands, or similar *uses*, or may serve as shelters.

Notwithstanding the provisions of Section 32-41 (Enclosure within Buildings), outdoor eating services or *uses* occupying kiosks may serve customers on *open air concourses* through open windows.

(f) Night-time illumination in accordance with the standard set forth in paragraph (j) Section 33-141 (General provisions) shall be continuously maintained in the street level portion throughout the hours of darkness and in the mezzanine portion during those hours that the mezzanine portion is open to the public.

(g) Planting

It is the intent of these regulations that *open air concourses*, especially in the mezzanine portion, shall be landscaped. There are

no specific requirements that trees or other plant materials shall be provided. Wherever shade or ornamental trees are planted in an *open air concourse* at least four trees shall be planted and the plantings shall conform to the standards set forth in Section 33-141 (General provisions).

Trees do not count as obstructions for purpose of calculating total area occupied by permitted obstructions, but they may not be located in areas required for pedestrian circulation, unless planted with gratings flush to grade. Planting beds and their retaining walls count as obstructions.

(h) Administration

As a condition to the issuance of an excavation permit by the Department of Buildings for a *development* which includes an *open air concourse*, the Department of Buildings shall be in receipt of satisfactory evidence that the New York City Transit Authority has agreed and consented to the plans for the proposed *open air concourse* insofar as they affect Transit Authority property.

(i) Special authorizations in C5-5 or C6-9 Districts

In C5-5 or C6-9 Districts, no excavation permit shall be issued by the Department of Buildings for a *development* which includes bonus *floor area* for an *open air concourse* without special authorization by the City Planning Commission for such bonus *floor area*. The Commission shall grant such authorization if the following special findings are made and not otherwise:

1. That such *open air concourse*, because of its relationship to existing or planned pedestrian ways, provides the most desirable kind of pedestrian facility for the particular locality, and
2. That the location and the usage of the *open air concourse* will tend to complement and stabilize desirable uses in the surrounding area

The granting of such special authorization shall not be construed as a waiver or modification of any of the requirements set forth in paragraphs (a) through (h) of this Section.

33-15

Floor Area Bonus for Arcades

* * * *

33-154

For high arcades adjoining plazas in highest bulk districts

C6-6
C5-3 C6-7
C5-5 C6-9

In the districts indicated, for each square foot of *arcade* which is open and unobstructed to a height of not less than the entire length of such *plaza* boundary, the total *floor area* permitted on a *zoning lot* under the provisions of Section 33-12 (Maximum Floor Area Ratio) for any *building* may be increased in six square feet.

* * * *

74-72

Height and Setback and Yard Regulations

* * * *

In the case of a *development* for which a special permit has been granted authorizing the exercise of development rights transferred from an *urban park* in accordance with the provisions of Section 74-92 (Urban Parks), the Commission may permit modification of the height and setback regulations regardless of the lot size, provided that the Commission finds that such *development* will not unduly obstruct access of light and air in the *street* or on adjacent *zoning lots* and that such *development*, if located on one of two or more receiving lots to which development rights have been transferred from the *urban park*, has received a substantial portion of the total amount of development rights transferred.

* * * * *

[Existing Section 74-91 to be deleted.]

74-91

Urban Open Space Modifications

In C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, the City Planning Commission may permit modifications of the provisions of Section 33-14 (Floor Area Bonus for Urban Open Space) affecting the eligibility of *plazas*, *sidewalk widenings* or *open air concourses* for bonus *floor area*, provided that such modifications shall not include any modification of the bonus *floor area* rate of 10 square feet for each square foot of *urban open space*, that the stated intent of the regulations shall not be vitiated, and that such modifications shall be conditioned upon findings made by the Commission in accordance with the provisions of this Section.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such *urban open spaces* to surrounding development.

74-911

For plazas

For *plazas*, the Commission may permit modifications of the regulations set forth in Section 33-141 (General provisions) or Section 33-142 (Plaza regulations) provided that the Commission finds that the *plaza's* usefulness and attractiveness as an *urban open space* will be enhanced by the proposed layout and design and that the *development* as a whole will produce a good urban design relationship with surrounding *buildings* and open spaces.

74-912

Sidewalk widenings

For *sidewalk widenings*, the Commission may permit minor modifications of the regulations relating to *sidewalk widenings*, as set forth in Section 33-143 (Sidewalk widenings), provided that the Commission finds that such modifications will enhance the usefulness of the *sidewalk widening* for its intended purpose of improving pedestrian circulation.

74-913

Open air concourses

For *open air concourses*, the Commission may permit modifications of the regulations set forth in Section 33-141 (General provisions) or Section 33-144 (Open air concourses) provided that the Commission finds that:

- (a) Access of light and air to the mezzanine portion and to the subway station mezzanine or platform area is sufficient to achieve substantial public benefits; and
- (b) The allocation of space for required pedestrian movements will facilitate the access and dispersal of people using the subway system and contribute substantially to public convenience; and

(c) In the case of *open air concourses* containing more than 8,000 square feet in the mezzanine portion, such size is justified by high volumes of riders entering and leaving the subway station and by special provisions in the development plan for landscaping, seating, open air cafes, retail shops or other public amenities which can be supported and enjoyed by large numbers of pedestrians.

74-92

Urban Parks

In C5-3, C5-5, C6-6, C6-7, or C6-9 Districts, the City Planning Commission may permit development rights to be transferred from proposed *urban parks* approved under the provisions of this Section to receiving lots and permit such rights to be exercised on such receiving lots by granting modifications of the applicable district *bulk* regulations in accordance with the provisions of this Section.

For the purposes of this Section, a "receiving lot" is a *zoning lot* to which development rights are transferred or proposed to be transferred from an *urban park*, and which is located within 500 feet of the *urban park* from which the development rights are transferred.

An *urban park* shall be in the same ownership (fee ownership or ownership as defined in the definition of *zoning lot* in Section 12-10) as a receiving lot to which at least half of its development rights are transferred. The *urban park* and the receiving lot or lots shall each be in a C5-3, C5-5, C6-6, C6-7, or C6-9 District.

74-921

Requirements for applications

An application to the City Planning Commission for the grant of a special permit to allow the transfer of development rights and construction based thereon shall include a street and block plan showing existing *development* in relation to the locations of the proposed *urban park* and receiving lot, plans for the proposed *development* on the receiving lot, a development plan for the *urban park*, sun and shadow studies for the *urban park*, a program of continuing maintenance for the *urban park*, and such other information as may be required by the Commission.

74-922

Conditions and Limitations

1. Requirements for Urban Parks

Urban Parks shall not be located in the same *block* as an existing *public park* or other *urban park*, except that an *urban park* may be located adjacent to an existing *urban park*, if the two *urban parks* are combined so that they function as a single entity and are harmoniously related and freely accessible from one to the other.

Urban park sites shall be approved only if they are so situated in relation to surrounding *buildings* and *uses*, including those in existence at the time of application and those which are planned and deemed by the Commission likely to be *developed*, that there will be adequate access of sunlight to the *urban park* and that park use will be beneficial to the surrounding area.

Direct access may be provided from the *urban park* to space in adjacent *buildings* used for eating or drinking places.

Bounding walls without store entrances and exclusive of fenestration shall be decoratively finished or lined with continuous natural planting to a height of at least 15 feet or to the top of such bounding walls, whichever is less.

Obstructions permitted in *urban open spaces* under the provisions of paragraph (f) of Section 33-141 (General provisions) may occupy in the aggregate not more than 66 percent of the *urban park's* total area. Trees do not count as obstructions for purposes of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls shall count for purposes of calculating such total area. The Commission may impose conditions and safeguards to insure adequate litter control and confinement of cafe furniture to designated areas within the *urban park*.

The Commission may require that space under the owner's control be allocated for a take-out food stand either in an adjacent *building* accessible from the *urban park* or in a kiosk in the *urban park* itself, and may permit modification of the provisions of Section 32-41 (Enclosure within Buildings) so that such take-out food stand or other uses occupying kiosks may serve customers through open windows.

Sitting area shall be provided in accordance with the following requirements. There shall be a minimum of one linear foot of seating for each 20 square feet of area in the *urban park*. Seating of outdoor restaurants or cafes with table service and not open for general public use shall not be credited toward meeting this requirement. Not more than 75 percent of the credited linear seating capacity may be in moveable seats which may be stored during the hours of darkness and until 8:00 A.M. Qualifications of seating shall be in accordance with the standards set forth in paragraph (h) of Section 33-141 (General provisions).

To provide shade in summer, not less than one tree is required for each 500 square feet of area in the *urban park*.

Tree planting shall be in accordance with the provisions of paragraph (i) of Section 33-141 (General provisions).

Development of the *urban park* shall be in accordance with an *urban park* development plan approved by the Commission.

Maintenance of the *urban park* shall be in accordance with a maintenance plan approved by the Commission specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory completion thereof. The maintenance plan shall include special provisions for maintenance of vegetation.

2. Restrictions on Exercise of Development Rights

The maximum amount of *commercial floor area* for which development rights may be transferred from the *urban park* to the receiving lot or lots shall be 18 times the *lot area* of the *urban park*. Development rights for *commercial floor area* may be transferred from the *urban park* and exercised on a receiving lot subject to the following restrictions:

(a) Public amenities approved by the Commission and earning not less than 2.0 points of bonus *floor area ratio* shall be provided on the receiving lot itself.

(b) The total *floor area* of a *development* on the receiving lot, including the *floor area* allowed thereon under provisions of Section 33-12 (Maximum Floor Area Ratio), bonus *floor area*

earned by approved on-site public amenities not exceeding a *floor area ratio* of 3.0, and the *floor area* for which rights are transferred from the *urban park*, shall not exceed 21.6 times the *lot area* of the receiving lot.

3. As a condition of permitting such transfer of development rights and exercise thereof on a receiving lot, the Commission shall make the following findings:

(a) That public amenities of substantial benefit to pedestrians and earning not less than 2.0 points of bonus *floor area ratio* are provided on the receiving lot as part of the *development*;

(b) That the distribution of the total *bulk* of the *development* permits adequate access of light and air to surrounding *streets* and properties;

(c) That the *urban park* will be of substantial benefit in providing needed open space for passive recreation and alleviation of stress in high density areas;

(d) That the *urban park's* surroundings will permit adequate access of daylight to all parts of the *urban park* and adequate access of sunlight, such as normally would be provided by southern exposure, during at least six months of the year;

(e) That *urban park* usage and activities will tend to complement and stabilize desirable *uses* in the surrounding area;

(f) That the design of the *urban park* and the quality of materials used are such as to promote enduring public use and enjoyment;

(g) That needs of the handicapped are adequately met;

(h) That adequate and continuing maintenance of the *urban park* is assured;

(i) That the developer has agreed to file in the appropriate place documents approved by the Commission for the transfer of development rights and restrictions on the parcels involved.

(j) That there is a fountain, waterfall, or other feature of continuously rushing water that provides a level of sound which will exclude deleterious street noise.

74-923

Transfer instruments and notice of restrictions

The owner of the *urban park* site and receiving lot shall submit to the Commission a copy of the development rights transfer instrument legally sufficient in both form and content to effect such transfer.

At the time of such transfer:

(a) There shall be recorded in the land records and indexed against the lot which comprises the *urban park* an instrument specifying that all development rights are removed from such lot and that the owner of the lot, or whomever he shall designate, is obligated to maintain it as an *urban park* for public use and enjoyment during the life of the *building* to be erected on the receiving lot; and

(b) There shall be recorded in the land records and indexed against the receiving lot an instrument specifying the total amount of additional *commercial floor area* to which the receiving lot is entitled by virtue of such transfer.

Certified copies of such instruments shall be submitted to the Commission upon recordation thereof.

(On September 4, 1974, Cal. No. 11, the Commission scheduled September 23, 1974, for a hearing; on September 23, 1974, Cal. No. 26, the hearing was continued to October 16, 1974.)

Close hearing.

BOROUGH OF MANHATTAN

Nos. 28 and 29

[Proposed zoning text and map changes establishing a Special Clinton District. Zoning changes for the area within the new Special District and text changes to the Special Theater District are also proposed. The proposals are designed to preserve the residential core of the Clinton community—a stable, low-rise, low and moderate-income neighborhood—and to meet other special planning goals for the neighborhood.]

No. 28

CP-22758

CONTINUED PUBLIC HEARING in the matter of amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 concerning the establishment of a Special Clinton District, as follows:

Matter in **Bold Type** is new;

Matter in brackets [], is old, to be omitted;

Matter in *italics* is defined in Section 12-10.

11-12

Establishment of Districts

[Establishment of the Special Clinton Interim District

* * * *

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the Special Clinton Interim Preservation District is hereby established.]

* * * *

Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the *Special Clinton District* is hereby established.

* * * *

12-10 DEFINITIONS

* * * *

[Special Clinton Interim Preservation District

The Special Clinton Interim Preservation District is a Special Purpose District designated by the letters "CI" in which special regulations set forth in Article IX, Chapter 6 apply to all *developments*.

The Special CI District and its regulations supplement or supersede those of the districts on which it is superimposed.

The Special Clinton Interim Preservation District shall include the area from 43rd Street to 56th Street and from the west side of Eighth Avenue to the east side of Eleventh Avenue.

The Special Interim District will remain in force for one year from its effective date to give the City time to consider and adopt a permanent Special Clinton District incorporating the recommendations of the comprehensive plan for the entire Clinton area extending to the waterfront.]

* * * *

Special Clinton District

The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6 apply.

The *Special Clinton District* and its regulations supplement or supersede those of the districts on which it is superimposed.

* * * *

Delete entire Chapter IX Article 6—Special Clinton Interim Preservation District

* * * *

ARTICLE VIII

SPECIAL PURPOSE DISTRICTS

CHAPTER I SPECIAL THEATRE DISTRICT

* * *

81-07

Optional Bulk Modifications for Certain Zoning Lots

For any *zoning lot* or portion thereof located within the area bounded by a line midway between West 57th Street and West 56th Street, a line one hundred feet east of Eighth Avenue, a line midway between West 43rd Street and West 42nd Street, and Eighth Avenue, the *floor area ratio* may be increased to the maximum limit set forth in Section 33-120.5 (Maximum limit on floor area ratio) plus 20 per cent thereof provided the applicable provisions of Section 96-21 (Special Floor Area Bonus Provisions) of the Special Clinton District are met.

For any *zoning lot* receiving a *floor area* bonus under this Section, the *lot area* requirements of Section 23-30 and 35-41 and the provisions of Section

35-35 shall not apply to any *mixed building development* and for every 300 square feet of gross *residential floor area* provided within the *mixed building* there shall be no more than one *room*.

In no event shall the *floor area ratio* of a *residential building* or the *residential* portion of a *mixed building* exceed 12.00.

The Commission, by special permit after public notice and hearing, and subject to Board of Estimate action, may permit modification of height and setback regulations for *developments* which have generated a *floor area* bonus of 2.00 or more under the provisions of this Section provided the Commission finds that such modification is necessary to achieve better site planning.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the surrounding area.

ARTICLE IX

SPECIAL PURPOSE DISTRICTS (Continued)

Chapter 6 SPECIAL CLINTON DISTRICT

96-00 GENERAL PURPOSES

The "Special Clinton District" established in this resolution is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical situation of the Clinton community situated between the Convention Center and its related activities and the waterfront on the west and by a growing central business district on the east it becomes necessary to propose specific programs and regulations which will assure realization of community and City-wide goals.

These goals which are part of the plan for the Clinton Area include, among others, the following:

- (a) To preserve and strengthen the *residential* character of the community.
- (b) To permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups presently residing in the area.
- (c) To preserve the small-scale character and variety of existing stores and activities and to control new *commercial uses* in conformity with the existing character of the area.
- (d) To provide amenities such as public open space and street trees to improve the physical environment.
- (e) To restrict demolition of *buildings* that are suitable for rehabilitation and continued *residential use*.
- (f) To promote the most desirable *use* of land in the area and thus to conserve the value of land and *buildings*, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

96-01

Definitions

Definitions specially applicable to this Chapter are set forth in this Section.

The definitions of other defined terms are as set forth in Section 12-10

(DEFINITIONS)

Mixed Building

For the purposes of this Chapter, a "mixed building" is a *building* in a *Commercial District* used partly for *residential use* and partly for *community facility or commercial use*, or a *building* in a *Residential District* used partly for *residential use* and partly for *community facility use*.

Special Clinton District (Repeated from Section 12-10)

The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6, apply.

The Special Clinton District and its regulations supplement or supersede those of the districts on which it is superimposed.

96-02

General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

96-03

District Map

The District Map for the Special Clinton District (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the Special Clinton District. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

Area A — PRESERVATION AREA — Section 96-10

Area B — PERIMETER AREA — Section 96-20

Area C — MIXED USE AREA — Section 96-30

Area D — OTHER AREAS — Section 96-40

96-10 PRESERVATION AREA

The provision of this Section shall apply to all *developments, enlargements, extensions* or alterations.

All existing *buildings* within the Preservation Area shall be considered complying *buildings* for all purposes including, but not limited to, alterations, *enlargements, extensions* or conversions to *residential uses*. Any existing *building* which is damaged or destroyed by any means may be reconstructed to its *bulk* prior to such damage or destruction. All existing *uses* in enclosed *buildings* shall be considered conforming *uses*. Except as otherwise provided in this Chapter any existing *commercial* or *manufacturing uses* may be changed subject to the applicable underlying district regulations pursuant to the change of *nonconforming use* provisions of Section 52-31, 52-33, 52-34, 52-35 and 52-36.

96-101

Floor area regulations

For any *development* or *enlargement* within the Preservation Area, the *floor area ratio* for a *residential*, *commercial* or *community facility building* or portions of a *mixed building* containing such uses shall not exceed the following:

Uses	Floor Area Ratio
<i>Residential buildings</i> or <i>community facility buildings</i> or portions of <i>mixed buildings</i> containing <i>residential</i> or <i>community facility uses</i> in the following districts:	4.2

R8, C1-5, C2-5 or C6-2.

Commercial buildings or commercial portion of *mixed buildings* in the following districts:

C1-5 or C2-5	2.0
C6-2	4.2

The maximum *floor area* in a *mixed building* shall be the maximum *floor area* permitted for either the *commercial portion* of such *building* or the *community facility* portion of such *building* or the *residential* portion of such *building* as set forth in this Section, whichever permits the greatest amount of *floor area*.

96-102

Lot coverage regulations

For any *development* or *enlargement* within the Preservation Area, the *open space* requirement of Article II Chapter 3 and the *lot coverage* provisions of Section 24-11 are not applicable. The *lot coverage* provisions of this Section apply to any *development* or *enlargement*. For *zoning lots* or portions thereof located within 100 feet of the *street line* of a *wide street* the maximum *lot coverage* shall not exceed 70 percent. For all *zoning lots* or portions thereof located more than 100 feet from the *street line* of a *wide street* the maximum *lot coverage* shall not exceed 60 percent.

Any new *development* containing *residential uses* shall provide a minimum of 20 percent of the *lot area* of a *zoning lot* as usable, landscaped open area for the *residential tenants*.

96-103

Yard regulations

The yard regulations of this Section apply to any *development* or *enlargement*.

For *zoning lots* or portions thereof located within 100 feet of the *street line* of a *wide street* no *rear yard* shall be required.

For all *zoning lots* or portions thereof located more than 100 feet from the *street line* of a *wide street* a *rear yard* having a minimum depth of 30 feet shall be required.

On a *through lot* or portion thereof more than 100 feet from the *street line* of a *wide street* the *rear yard* equivalent provision of Section 23-533 (Required rear yard equivalents) paragraph (a) shall apply.

96-104

Height regulations

The height regulations of this Section apply to any *development* or *enlargement*. For all *zoning lots* or portions thereof located within 100 feet from the *street line* of a *wide street* the height and setback regulations of the underlying districts shall apply.

The height of a *building* or *other structure* on a *zoning lot* or portion thereof located more than 100 feet from the *street line* of a *wide street* shall not exceed 7 *stories* or 66 feet above *curb level*, whichever is less.

However, the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may permit modification of the special height restrictions set forth in this Section for any *development* or *enlargement* on such *zoning lots*.

As a condition for such modification the Commission shall find that the distribution of the bulk of the *development* or *enlargement* permits adequate access of light and air to surrounding *streets* and properties and that the maximum height of such *development* or *enlargement* does not exceed 99 feet above *curb level*.

The Commission may prescribe appropriate conditions and safeguards to protect and minimize any adverse effects on the character of the surrounding area.

96-105

Rooms or dwelling unit distribution

For *developments*, *enlargements*, *extensions*, conversions of an existing *building* to a *residential use* or alterations other than *incidental alterations*, the *lot area* per room requirements of Article II, Chapter 3 shall not apply, the average number of rooms in a *dwelling unit* shall be at least $3\frac{1}{2}$ *rooms* and at least 20 percent of such *dwelling units* shall contain at least $4\frac{1}{2}$ *rooms*. In computing the number of $4\frac{1}{2}$ -*room dwelling units* required, a fraction of .5 or more shall be considered a *dwelling unit*, and smaller fractions shall be disregarded. No new *rooming units* shall be permitted within the Preservation Area.

96-106

Special regulations for existing storefronts

Any vacant ground floor store in an underlying *Residential District* may change to a conforming *use* or to a *use* listed in Use Group 6 regardless of the 2-year discontinuance provisions of Section 52-61.

96-107

Special regulations for community facility uses

Developments, *enlargements* or *extensions* of *community facility uses* are permitted on *zoning lots* containing existing *buildings* with *residential uses* only pursuant to the provisions of this Section. The City Planning Commission by special permit after public notice and hearing and subject to Board of Estimate action may permit *developments*, *enlargements* or *extensions* of *community facility uses* provided that the Commission makes the following findings:

- (a) That the existing *building* is not eligible for rehabilitation under any active publicly aided program under which funds are available;
- (b) That, prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the developer shall have notified the Administrator of Housing and Development of his intention to demolish the *building*.
- (c) That the eviction and relocation practices followed by the owner of the building satisfy all applicable legal requirements and that no harassment has occurred.

This special permit shall be in addition to any special permits required for nursing homes, health related facilities and domiciliary care facilities for adults pursuant to the provisions of Section 74-90.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

All applications for special permits under the provisions of this Section shall be referred to Borough of Manhattan, Community Board #4 for its recommendation in accordance with the provisions of Section 84(d) of the New York City Charter.

96-108

Demolition of buildings

No demolition permit or alteration permit for partial demolition involving a decrease in the amount of *residential floor area* in a *building* of more than 20 percent shall be issued by the Department of Buildings for any *building* containing *dwelling units* or *rooming units* within the Preservation Area unless it is an unsafe *building* and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8 of the New York City Administrative Code.

However, the City Planning Commission, by a special permit after public notice and hearing and subject to Board of Estimate action, may permit demolition of *buildings* containing *dwelling units* or *rooming units* other than unsafe *buildings* within the Preservation Area provided that the Commission makes the following findings:

- (a) That the existing *building* is not eligible for rehabilitation under any active publicly aided program under which funds are available;
- (b) That prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition the developer shall have notified the Administrator of Housing and Development of his intention to demolish the *building*;
- (c) That the eviction and relocation practices followed by the developer satisfy all applicable legal requirements and that no harassment has occurred;
- (d) That an acceptable program for new *development* of the *zoning lot* is submitted to the Commission which indicates that to the extent permitted by the provisions of Section 96-10 (PRESERVATION AREA) the number of new *dwelling units* to be constructed is at least equal to the number of *dwelling units* to be demolished and that the *floor area* of the new *residential development* is at least equal to the *floor area* of the *dwelling units* to be demolished and that site development will commence within a period of twelve months from completion of relocation.

The Commission may prescribe appropriate conditions and safeguards to insure that any interim uses proposed on the site prior to any construction is in conformance with the purposes of this Special District.

All applications for special permits under the provisions of this Section shall be referred to Borough of Manhattan, Community Board #4 for its recommendation in accordance with the provisions of Section 84(d) of the New York City Charter.

96-109

Alterations of buildings

Prior to the issuance of an alteration permit by the Department of Buildings for an alteration other than an incidental alteration for a

building containing *residential* uses within the Preservation Area, the Administrator of Housing and Development shall certify to the Department of Buildings:

(a) That prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration, the owner shall have notified the Administrator of Housing and Development of his intention to alter the *building*;

(b) That the eviction and relocation practices followed by the owner of the *building* satisfy all applicable legal requirements and that no harassment has occurred.

96-20 PERIMETER AREA

The Perimeter Area shall consist of the Western Perimeter Area (B1) and the Eastern Perimeter Area (B2). *Developments* within the entire Perimeter Area shall be eligible for bonuses pursuant to Section 96-21. Because of increased pressures for development attributable to the plan for the Clinton area in the Western Perimeter Area, the relocation provisions of Section 96-23 shall apply therein for all demolition, *development*, *enlargement* or *extensions* on lots containing *residential* uses.

All existing uses in enclosed *buildings* shall be considered conforming uses. Except as otherwise provided in this Chapter, any existing *commercial* or *manufacturing* uses may be changed subject to the applicable underlying district regulations pursuant to the change of *nonconforming use* provisions of Section 52-31, 52-33, 52-34, 52-35 and 52-36.

96-21

Special Floor Area Bonus Provisions

For any *development* the *floor area ratio* permitted by the underlying district may be increased from 10.0 to 12.0 only by complying with either the provisions of Section 96-211 (Floor area bonus for provision of rehabilitated housing) or Section 96-212 (Floor area bonus for a park) or a combination of these two sections. For every .1 increase of permitted *floor area ratio* above 10.00, the *lot area per room* requirements as set forth in Section 23-22 (Required Lot Area Per Dwelling Unit or Per Room) may be reduced by .255 square feet. In no event shall such reduction exceed 17 percent of the applicable *lot area* requirements set forth in Section 23-22.

A permanent certificate of occupancy for any *building* incorporating bonus *floor area* pursuant to this section shall not be issued by the Department of Buildings until the issuance of a permanent certificate of occupancy for rehabilitated housing and/or park hereunder.

96-211

Floor area bonus for provisions of rehabilitated housing

For each *room* of rehabilitated housing provided within the Preservation Area the total *floor area* permitted on a *zoning lot* within the Perimeter Area may be increased by 500 square feet.

The number of *rooms* of rehabilitated housing which may generate bonus pursuant to this section shall not exceed the number of *rooms* which occupied the rehabilitated spaces prior to such rehabilitation. This bonus shall be granted provided that the Administrator of Housing and Development certifies to the Department of Buildings:

(a) That the rehabilitation qualifies as "substantial rehabilitation" under the provisions of 24 CFR § 1276.103(f)2 relating to Section 23 Housing Assistance Payments Program—Substantial Rehabilitation.

(b) That any eviction or termination of tenancies undertaken in connection with such rehabilitation satisfies all applicable legal requirements.

(c) That the initial average monthly rental for the rehabilitated *dwelling units* does not exceed \$37 per room, which rental may be adjusted only in accordance with regulations of the Rent Guidelines Board or successor thereto. The period of regulated rent adjustments may end at the conclusion of the term of the initial mortgage or 25 years, whichever is later.

(d) That the developer follow a tenant selection process which:

(i) limits tenants to persons whose annual income is not greater than those limits specified in Article 2 of the New York Private Housing Finance Law.

(ii) gives first priority to otherwise qualified persons who were temporarily relocated from the site of the rehabilitated housing.

(iii) affords priority to residents of the Special Clinton District.

(e) That provision is made for regular meetings between an organization representing the tenants of the rehabilitated housing and the owner to discuss maintenance, repairs and other matters related to the operation of the rehabilitated *dwelling units*.

(f) That within 30 days of the filing of an application under the provisions of this Section, notification of filing of such application shall be given by the Administrator of Housing and Development to Borough of Manhattan, Community Board #4.

96-212

Floor Area Bonus for a Park

For each square foot of park provided in the Preservation Area, the total *floor area* permitted on a *zoning lot* in the Perimeter Area may be increased by 7.5 square feet, providing that the Chairman of the City Planning Commission certifies to the Department of Buildings that the following conditions are met:

(a) That the proposed park site must have been vacant or developed as a parking lot on July 1, 1974.

(b) That the park is located on a *zoning lot* separate from the bonused *zoning lot*.

(c) That the park shall have direct access to a *street* and shall be open to the public each day between the hours of 6:00 a.m. and 12:00 midnight.

(d) That no dimension of the park shall be less than 40 feet and that the park shall not at any point be more than 5 feet below or 5 feet above *curb level* of the *street* providing access to the park.

(e) That the park shall be developed as a passive and active recreational area with lighting, seating, landscaping including trees and shrubs, and active recreation facilities. The following types of usage are illustrative of acceptable active recreational facilities: Basketball or handball courts where bounding walls of adjoining *development* have no lot line windows, bocce courts, children's playgrounds and tot lots.

(f) That the park shall be maintained in accordance with a maintenance program approved by the Chairman of the City Planning Commission specifying the character and frequency of maintenance.

(g) That the developer has entered into a restrictive declaration filed with the City Register covenanting that the park shall be used only as a park and maintained in accordance with the approved maintenance program, and that no *floor area* and *rooms* shall be attributable thereto.

(h) That within 30 days of the filing of an application for certification under the provisions of this Section, notification of filing of such application shall be given by the Chairman of the City Planning Commission to Borough of Manhattan, Community Board #4.

96-213

Special permit for modification of height and setback regulations

The City Planning Commission by special permit after public notice and hearing and subject to Board of Estimate action, may permit modifications of height and setback regulations for *developments* which have generated a floor area bonus of 2.0 under the provisions of Sections 96-211 or 96-212 provided that such modification is necessary to achieve better site planning.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

All applications for special permits under the provisions of this Section shall be referred to Borough of Manhattan, Community Board #4 for its recommendation in accordance with the provisions of Section 84(d) of the New York City Charter.

96-22

Demolition of Buildings in the Eastern Perimeter Area

Prior to the issuance of a demolition permit by the Department of Buildings for a *building* containing *residential uses* within the Eastern Perimeter Area (B2) the Administrator of Housing and Development shall certify to the Department of Buildings:—

(a) That prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the developer shall have notified the Housing and Development Administration of his intention to demolish the building;

(b) That the eviction and relocation practices followed by the developer satisfy all applicable legal requirements and that no harassment has occurred.

96-23

Relocation Provision in the Western Perimeter Area

Prior to the issuance by the Department of Buildings of a demolition permit or a permit for any *development, enlargement or extension* on any *zoning lot* containing *residential uses* within the Western Perimeter Area (B1), the Administrator of Housing and Development shall certify to the Department of Buildings:

(a) That prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition or alteration, the developer shall have notified the Housing and Development Administration of his intention to demolish or alter the *building*;

(b) That in evicting or otherwise terminating the occupancy of any tenant preparatory to demolition or alteration, the developer shall

have satisfied all the requirements for the issuance of a certificate of eviction under Part V of the Rent and Eviction Regulations of the Housing and Development Administration, Office of Rent Control, including all currently effective amendments.

96-30 MIXED USE AREA

All existing *residential buildings* or *residential* portion of *buildings* within the Mixed Use Area shall be considered complying *buildings* for all purposes including but not limited to alterations, *enlargements* or *extensions*. Any existing *building* which is damaged or destroyed by any means may be reconstructed to its bulk prior to such damage or destruction. All existing *residential uses* shall be considered conforming *uses*.

96-301

Special regulations for buildings containing residential uses

Enlargements not involving an increase in *lot coverage* of more than 20 percent, *extensions* and alterations of all existing *residential buildings* or any existing *buildings* containing *dwelling units* or *rooming units* within the Mixed Use Area of the Special District are permitted and shall be governed by the *bulk* regulations of an R8 District except as modified in this Section:

(a) Where any existing *building* containing *dwelling units* or *rooming units* is *enlarged* for *residential uses*, the open space and *floor area* provisions of Section 23-142 shall not apply and the maximum *floor area ratio* of the *zoning lot* shall not exceed 4.2.

(b) The minimum required *rear yard* for the *enlarged* portion of such *building* shall be 30 feet.

(c) The *lot area per room requirements* of Article II Chapter 3 shall not apply.

The average number of *rooms* in a *dwelling unit* in the *enlarged* or *extended* portion of such *building* shall be at least 3½ rooms. In the case of an alteration there shall be no increase in the number of *dwelling units* existing prior to alteration. No new *rooming units* shall be permitted within the Mixed Use Area.

(d) Any non-*residential uses* permitted by the underlying district regulations shall be located below the level of the lowest story containing a *residential use*.

96-302

Development or conversions

No new *building* containing *residential uses* or conversions of any existing completely non-*residential building* to *residential uses* shall be permitted with the Mixed Use Area.

96-40 OTHER AREAS

In areas other than the Preservation Area, the Perimeter Area or the Mixed-Use Area, the regulations of the underlying districts shall apply, except as otherwise set forth in this Chapter.

96-50 REGULATIONS APPLICABLE TO ALL AREAS

The provision of Section 96-51 (Mandatory Tree Planting Provisions) and Section 96-52 (Off-Street Parking Regulations) shall apply to all Areas within the Special District.

96-51

Mandatory Tree Planting Provisions

All *developments* within the Special District shall provide and maintain trees of not less than 4-inch caliper at the time of planting on sidewalks for the entire length of *street* frontage of the *zoning lot*. These trees shall be planted at maximum intervals of 30 feet and in accordance with Highway Department guidelines. The tree planting provisions shall also apply to *enlargements, extensions or alterations*, other than incidental *alterations* involving 30 percent or more of the existing floor area of a *building*.

96-52

Off-Street Parking Regulations

Accessory off-street parking spaces, *public parking lots* or *public parking garages*, are not permitted anywhere within the Special District except as set forth in this Section.

96-521

Accessory off-street parking

The City Planning Commission by special permit after public notice and hearing and subject to Board of Estimate action, may permit, subject to applicable underlying district regulations, *accessory* off-street parking facilities provided the following special findings are made:

(a) That such spaces are needed for and will be used exclusively by, the occupants, visitors, customers, or employees of the use to which they are *accessory*.

(b) That within the vicinity of the site there are insufficient parking spaces available.

(c) That such spaces will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

(d) That adequate reservoir space is provided at the vehicular entrances to accommodate either 10 automobiles or 5 percent of the total parking spaces provided, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, or for locations of entrances and exits.

All applications for special permits under the provisions of this Section shall be referred to Borough of Manhattan, Community Board #4 for its recommendation in accordance with the provisions of Section 84(d) of the New York City Charter.

96-522

Public parking garages or public parking lots

The City Planning Commission by special permit after public notice and hearing and subject to Board of Estimate action, may permit, in C1-5 Districts *public parking garages*, or *public parking lots* with a

capacity of not more than 100 spaces and in C2-5, C6, M1-5, M2-3, and M3-2 Districts the City Planning Commission may permit *public parking garages* or *public parking lots* with any capacity provided that the applicable regulations set forth in Section 36-53 or Section 44-43 (Location of Access to the Street), Section 36-55 or Section 44-44 (Surfacing), and Section 36-56 or Section 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such *public parking garage* or may permit floor space on one or more stories and up to a height of 23 feet above *curb level* to be exempted from the definition of *floor area* as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such use, the Commission shall make the following findings:

- (a) That such *use* will not be incompatible with, or adversely affect the growth and development of *uses* comprising vital and essential functions in the general area within which such *use* is to be located.
- (b) That such *use* will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.
- (c) That such *use* is so located as to draw a minimum of vehicular traffic to and through local *streets* in nearby residential areas.
- (d) That such *public parking lot* will contribute to the development or redevelopment of *uses* comprising vital or essential functions in the area.
- (e) That the application for a *public parking lot* contain detailed proposals for the expeditious redevelopment of the site.
- (f) That such *use* has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any space in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles.
- (g) That the *streets* providing access to such *use* will be adequate to handle the traffic generated thereby.
- (h) That, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future *use* or *development* of adjacent areas.
- (i) That, where any floor space is exempted from the definition of *floor area*, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including content limitations on *signs*, or requirements for shielding of floodlights, for locations of entrances and exits, or for setbacks of any roof parking areas from *lot lines*.

All applications for special permits under the provisions of this Section shall be referred to Borough of Manhattan, Community Board #4 for its recommendation in accordance with the provisions of Section 84(d) of the New York City Charter.

96-523

Existing public parking lots

Public parking lots existing on November 15, 1973 may be continued for a period of three years from that date provided that after the

expiration of that period such use shall terminate unless a special permit is granted pursuant to the provisions of Section 96-522 (Public parking garages or public parking lots).

96-60 SPECIAL PERMIT PRECEDURE

96-601

Requirements for applications

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter, shall include a site plan showing the location and proposed use of all *buildings* or other *structures* on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the City Planning Commission.

All applications relating to Section 96-52 (Off-Street Parking Regulations) shall be referred by the Commission to the Department of Traffic for its report with respect to the anticipated traffic congestion resulting from such special permit use in the proposed location.

If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issues referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.

96-602

Relationship to public improvement projects

In all cases, the Commission shall deny a special permit application, whenever the *development* will interfere with a public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the Board of Estimate or City Planning Commission, as determined from the Calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

96-70 SPECIAL PERMITS PREVIOUSLY AUTHORIZED

Whenever, under the provisions of the Special Clinton Interim District or any prior zoning regulation, the City Planning Commission has authorized any special permit, the status of such special permit shall not be altered by the provisions of this Chapter.

96-80 EXCLUDED AREAS

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

(a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue known as the Clinton community urban renewal development area, provided that in this area the provisions of Section 96-51 (Mandatory Tree Planting Provisions) shall apply,

(b) the block bounded by West 49th Street, Eighth Avenue, West 50th Street and Ninth Avenue which was the site of the former Madison Square Garden,

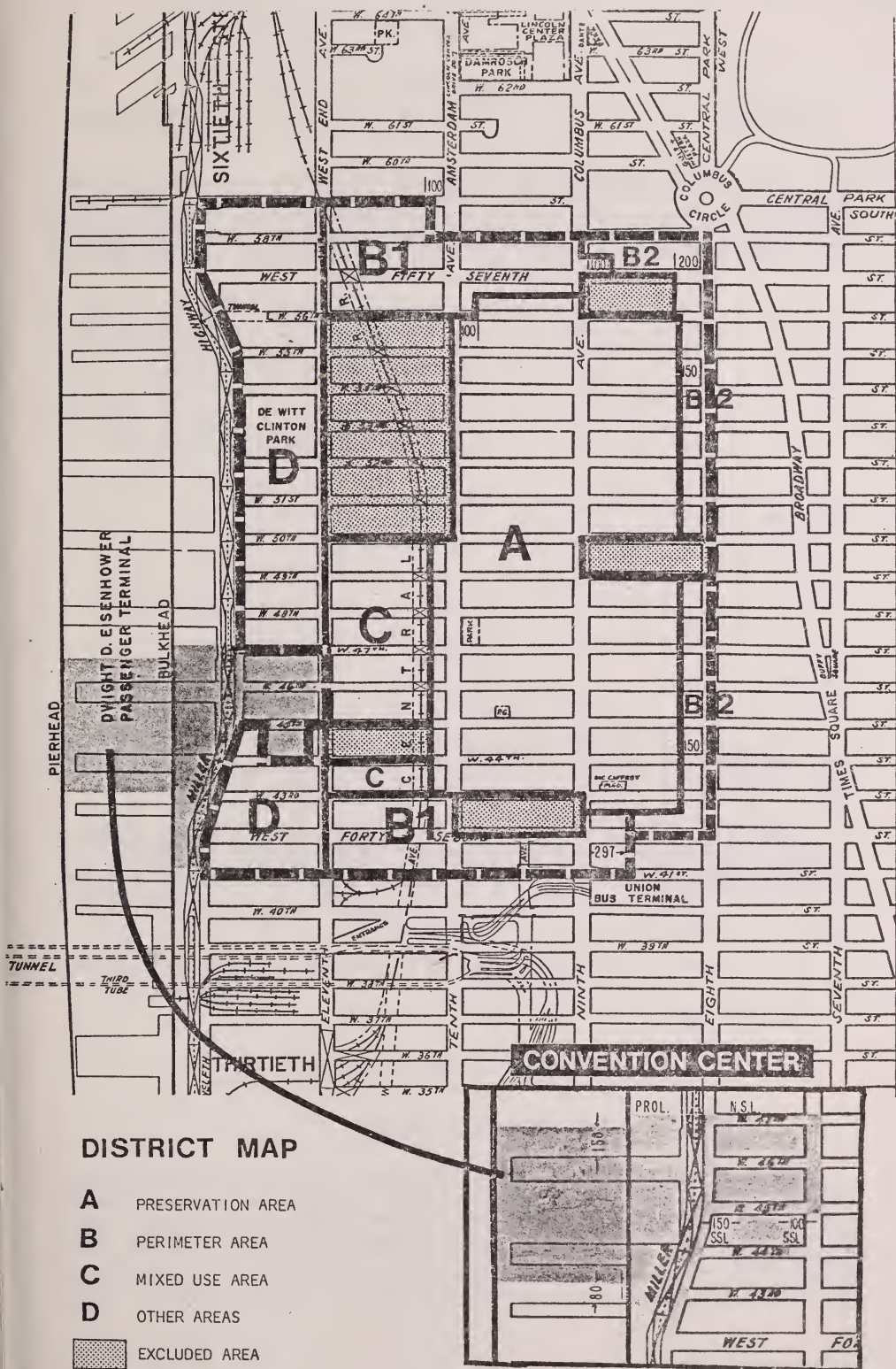
(c) the site of the proposed Educational Construction Fund project which will include P.51 located on property bounded by West 44th Street, Tenth Avenue, West 45th Street and the easterly right-of-way of the Penn Central Railroad,

(d) the block bounded by West 42nd Street, Ninth Avenue, West 43rd Street and Tenth Avenue,

(e) property bounded by West 56th Street, Ninth Avenue, West 57th Street and a line 200 feet west of Eighth Avenue.

(On August 28, 1974, Cal. No. 2, the Commission scheduled September 23, 1974, for a hearing; on September 23, 1974, Cal. No. 29, the hearing was continued to October 16, 1974.)

Close hearing.



No. 29

CPD 4

CP-22759

CONTINUED PUBLIC HEARING in the matter of a zoning change, pursuant to Section 200 of the New York City Charter, involving an amendment of the Zoning Map, Section Nos. 8c & d, (a) delineating the boundaries of the "CL" Special Clinton Preservation District, and (b) changing within the proposed "CL" District M1-4, M1-5, M1-6, C2-7, C6-2, C6-7, C1-8, C6-3, C4-7, C5-3CR, R9, R8, R10 Districts to R8, C1-5, C2-5, C6-2, C6-4 Districts.

Both (a) and (b) are on property generally bounded by West 59th Street, a line 100 feet westerly of Tenth Avenue, West 58th Street, Eighth Avenue, West 42nd Street, a line 297 feet easterly of Ninth Avenue, West 41st Street, Twelfth Avenue, the southerly street line of West 45th Street, a line 90 degrees to West 45th Street passing through a point 150 feet easterly of Twelfth Avenue, West 44th Street, a line 100 feet westerly of Eleventh Avenue, the southerly street line of West 45th Street, the easterly street line of Eleventh Avenue, the northerly street line of West 47th Street and Twelfth Avenue, Borough of Manhattan.

(On August 28, 1974, Cal. No. 3, the Commission scheduled September 23, 1974 for a hearing; on September 23, 1974, Cal. No. 30, the hearing was continued to October 16, 1974.)

Close hearing.

No. 30

CPD 1

CP-22766

[This proposed sidewalk easement on the new Federal Reserve Bank site would facilitate the widening of the street bed of Maiden Lane to better accommodate traffic.]

PUBLIC HEARING in the matter of a change in the City Map, establishing the lines and dimensions of a sidewalk easement on the north side of Maiden Lane between Nassau Street and a point 129 \pm feet easterly thereof, Borough of Manhattan, in accordance with a map Acc. No. 30029, signed by the Borough President and dated May 6, 1974. The map was referred by the Board of Estimate on July 18, 1974, Cal. No. 364.

(On September 30, 1974, Cal. No. 4 the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

Cal. Nos. 31 and 32

[Proposed zoning text amendment and special permit to facilitate construction of a 19-level and penthouse sports center containing tennis courts, an ice skating rink, ballet studios, health club with swimming pool, restaurant and a covered pedestrian area providing access between West 56th Street and West 57th Street.]

No. 31

CITY-WIDE

CP-22817

PUBLIC HEARING in the matter of amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to Section 74-72 concerning modification of height and setback and yard regulations for buildings occupied solely by recreational and related uses in CR Districts as follows:

Matter in **Bold Type** is new;

Matter in brackets [], is old, to be omitted;

Matter in *italics* is defined in Section 12-10.

74-72

Height and Setback and Yard Regulations

* * *

In all Commercial Districts indicated with a suffix "CR" the Commission may permit modification of the height and setback and yard regulations, and spacing between buildings regulations involving abutting buildings, for a *mixed building development* complying with the provisions of Section 35-70 (Special Provisions for Certain Mixed Buildings), or for a *building* solely occupied by permitted recreational and related uses, provided that the following findings are made:

(a) That such modification will enhance the relationship of the *building* to nearby *buildings*; [and]

(b) That in the case of a *mixed building development*, such modification will aid in the concentration and enhancement of the area or areas required for recreational space or other provided pedestrian amenities; and

(c) That in the case of a *building* solely occupied by permitted recreational and related uses, (i) public pedestrian circulation will be improved by the provision of substantial areas within the *zoning lot* accessible to the general public and located at or close to the principal level of pedestrian circulation in adjacent areas with prominent and obvious public entrances and (ii) such facility will contribute toward the viability and objectives of the Commercial Residential (CR) District by providing increased street activity during evening hours and on weekends.

(On September 30, 1974, Cal. No. 22, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

 BOROUGH OF MANHATTAN

No. 32

CPD 5

CP-22816

PUBLIC HEARING in the matter of an application, pursuant to Section 74-72 of the Zoning Resolution, from the Madison Development Company for the grant of a special permit involving modification of the height and setback and

rear yard regulations for a Sports Center on a zoning lot located within the block bounded by West 56th Street, Seventh Avenue, West 57th Street and Avenue of the Americas, Borough of Manhattan.

Plans for this proposed Sports Center are on file with the City Planning Commission and may be seen in Room 1500, 2 Lafayette Street, New York, N. Y.

(On September 30, 1974, Cal. No. 23, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

No. 33

CPD 8

CB-74-1

[This proposed amendment would change the title of a budget line to reflect the elimination of one Sub-school planned for Park East High School.]

PUBLIC HEARING in the matter of proposed amendment of the 1973-1974 Capital Budget, under the Board of Education—Borough of Manhattan—to change the title of line 141, Project E-1276 to read “Park East High School-Manhattan, One Sub-school and Central Facilities Building (Yorkville-East Harlem) (2000 FTE).”

(On September 30, 1974, Cal. No. 5, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

No. 34

CPD 7

CB-74-6

[This proposed amendment will rehabilitate Henry Hudson Parkway from 94th to 98th Streets in Manhattan.]

PUBLIC HEARING in the matter of proposed amendment of the 1973-74 Capital Budget, under the Department of Highways—Borough of Manhattan—to delete \$2,000,000.00 (d) and substitute \$3,312,450.00 (d) in Line 862, Project HW-237, “Rehabilitation of Henry Hudson Parkway from 72nd Street to Southside of Henry Hudson Bridge over Harlem River.”

(On September 30, 1974, Cal. No. 28, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

Nos. 35 and 36

[Zoning text amendment and map amending the Special Transit Land Use District for the vicinity of proposed Second Avenue subway stations concerning easements to facilitate pedestrian movement, improve access to the subway and provide access of light and air to subway mezzanines or stations.]

No. 35

CITY-WIDE

CP-22790

PUBLIC HEARING in the matter of amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to Article IX Chapter 5, concerning amendments of the Special Transit Land Use District (TA District) as follows:

Matter in **Bold Type** is new;

Matter in brackets [], is old, to be omitted;

Matter in *italics* is defined in Section 12-10.

[Delete entire Article IX Chapter 5 Special Transit Land Use District]

Article IX

Special Purpose Districts
(continued)

Chapter 5 Special Transit Land Use District

95-00 GENERAL PURPOSES

The "Special Transit Land Use District" established in this resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include the following specific purposes:

- (a) To minimize the conflict between normal pedestrian movements on public sidewalks and access to underground transit systems, by requiring developments within the Special District to provide access to underground transit or other subway amenities.
- (b) To reduce congestion on city streets in the vicinity of transportation nodes, by encouraging the provision of adequate underground pedestrian circulation systems.
- (c) To require adequate access of light and air to the subway mezzanine or station areas of the underground transit system and other related facilities in order to provide greater visibility and safety to below ground spaces.
- (d) To encourage development that reinforces and preserves the character of the existing communities within the area, by promoting needed pedestrian amenities.
- (e) To coordinate the future relationship of land uses within the Special District including weather protected public access to the underground transit system.
- (f) To promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

95-01

Definition (Repeated from 12-10)

Special Transit Land Use District

A Special Transit Land Use District is a Special Purpose District designated by the letters "TA" in which special regulations set forth in Article IX, Chapter 5, apply to all *developments*.

The Special TA District and its regulations supplement or supersede those of the districts on which it is superimposed.

Special Transit Land Use Districts may be mapped in the vicinity of existing or proposed subway stations to provide easements to facilitate pedestrian access and/or improve access of light and air to subway mezzanines or stations.

95-02

General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

Whenever this Special District overlaps another Special District and imposes contradictory regulations, the provision of the Special Transit Land Use

District shall apply. Nothing contained in this regulation shall be understood to supersede Landmark or Historic District designations of the New York City Landmark Preservation Commission.

95-03

Transit Easement

Any new *development* or *enlargement* involving ground level construction within the Special Transit Land Use District shall provide an easement on the *zoning lot* for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04

The issuance by the Department of Buildings of an excavation permit for any *zoning lot* located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a *zoning lot* shall permit the realization of one or more of the following planning objectives:

- (a) The integration and relating of subway station design to surrounding development,
- (b) The introduction of light and air to stations and mezzanines,
- (c) The reduction of conflict between pedestrian movements and station facilities on the street level,
- (d) The provision of weather protection for subway entrances,
- (e) The relation of subway entrances to commercial activities,
- (f) The provision of maximum visual exposure of subway entrances from public areas, and
- (g) The elimination or reduction of adverse environmental impact accompanying subway development.

In no event, however, may the easement area be used temporarily or permanently for any other purpose not immediately related to pedestrian amenity, except as hereinafter provided.

95-031

Selection of transit easement

The transit easement required on a *zoning lot* shall constitute a volume whose dimensions below *curb level* shall apply with the requirements as set forth in Table A or Table B, depending on the depth of the proposed subway mezzanine below *curb level* as established by the New York City Transit Authority. In addition, the height of the transit easement volume required above *curb level* shall be at least 15 feet.

Six possible types of transit easements are listed in Table A and in Table B. The applicant for a *development* of a *zoning lot* shall, in consultation with the Transit Authority and City Planning Commission, select the easement type that is most appropriate for the location.

Type 1 is appropriate on *zoning lots* of less than 10,000 square feet with adequate lot frontage and where the Transit Authority provides final access to the subway mezzanine level under a public right-of-way.

Type 2 is appropriate on any size *zoning lot* for providing direct access to the subway mezzanine level by a "straight run" stairway and/or escalator.

Type 3 is applicable to lots of 10,000 square feet or more for providing a "turn around" arrangement of stairs.

Types 4 and 5 are limited to *zoning lots* of less than 10,000 square feet with a narrow lot frontage for a single "straight-run" transit access facility, such as an escalator or stairway.

Type 6 is appropriate on *zoning lots* of less than 10,000 square feet for providing a "turn around" arrangement of stairs.

Where appropriate any of these easement types may be used exclusively for lightwells.

The Transit Authority and the City Planning Commission in consultation with the applicant may make minor modifications of the dimensions of the easement volume type required on the applicant's site and the spacing of building columns permitted within the easement volume to facilitate the design and construction of circulation facilities appropriate for the area.

95-032

Location of transit easements

The transit easement volume may be located within a *building*, in open areas including *plazas* or in areas covered by *arcades* or by projected overhangs of a *building*. At least one vertical face of the easement volume shall be at a front *lot line*. The easement volume shall be located on the *zoning lot* as close as possible to the *street* containing the transit line.

95-04

Certification of Transit Easement Volume

95-041

For developments or enlargements

Prior to filing any application with the Department of Buildings for an excavation permit or building permit for a *development* or *enlargement* on a *zoning lot* within the Special District, the owner of the *zoning lot* shall file an application with the New York City Transit Authority and the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the *zoning lot*.

Within 60 days after receipt of such application, the Transit Authority and the City Planning Commission shall jointly certify whether or not an easement is required on the *zoning lot*. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such *zoning lot*.

When the Transit Authority and the City Planning Commission indicate that such easement is required, the owner shall submit a site plan indicating the location and type of the easement volume that would be most compatible with the proposed *development* on the *zoning lot* for joint approval and final certification by the Transit Authority and the City Planning Commission. Copies of such certification shall be forwarded by the City Planning Commission to the Department of Buildings.

95-042

For substantially vacant existing zoning lots

When a *zoning lot* located within the Special District is substantially vacant and appropriate for a transit easement, the Transit Authority may request the City Planning Commission to certify that a portion of such *zoning lot* is necessary for a transit easement.

As a condition for securing a transit easement on such *zoning lot*, the Commission shall make the following findings:

- (a) Such transit easement is required by the Transit Authority to provide public access to a subway mezzanine or to a public passage way leading to a subway mezzanine or platform; and
- (b) Such transit easement is located on a vacant portion of a *zoning lot*; and
- (c) That the use of the transit easement will not reduce development potential on the *zoning lot* under the applicable district regulations; and
- (d) That the Transit Authority and the owner agree that the construction within the easement volume will be integrated with the total development.

At such time as an existing vacant *zoning lot* on which a transit easement volume is provided pursuant to the provisions of this section is *developed*, it shall be subject to all regulations of this Chapter.

95-05

Terms and Conditions for Permitted Uses and Construction within Transit Easement Volume

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are: lightwells, stairs, ramps, escalators or elevators.

No *floor area* bonus shall be allowed for any transit easement provided on a *zoning lot*. When a transit easement volume is required on a *zoning lot* is located within a building, any floor spaces occupied by such transit easement volume shall not count as *floor area*.

The transit easement volume and any construction allowed therein pursuant to this section shall be considered permitted obstructions within required *yards open space* or in a *plaza* or *arcade area*.

95-051

Development of transit access facilities

All access facilities including any lightwells or sky lights required within a transit easement volume shall be constructed and maintained by the Transit Authority except for any building columns, footings or any other permitted obstructions allowed therein.

The subway entrance within the transit easement volume and any adjoining *plaza* shall be at the same elevation as the adjoining sidewalk and shall be directly accessible to the public at all times. When such entrance is not located at the *street line*, it shall be visually prominent and directly accessible from a *street* by a paved pedestrian walk at least 20 feet in width and at the same elevation as the adjoining sidewalk. Such privately-owned pedestrian walk shall be maintained by the owner.

In order to provide natural light to the subway mezzanine level at least 10 percent of the transit easement area at *curb level* shall be provided with lightwells and skylights.

95-052

Special access facilities for the handicapped

Special elevators for the handicapped may locate within a transit easement volume provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the *zoning lot*.

Such special elevators shall be designed by the Transit Authority in consultation with the developer of the *zoning lot* and shall be integrated architecturally, including color and material, with the *development* and adjoining *plaza* area. Design concept for such elevators shall be submitted to the Commission for certification.

95-053

Weather protection

The stairs or escalators providing pedestrian access to the subway mezzanine which are not covered at the entrance level shall be weather protected by the *building* or portion thereof including an overhang, or by a roofed area provided by the owner of the *zoning lot* in accordance with the Transit Authority requirements. Such overhang or roofed area shall cover either or both the stairway and the escalator which are uncovered at the ground level. Overhang or roofed area shall be sufficient to cover the access facilities within the easement volume and may not otherwise obstruct the *plaza*.

When the subway entrance is within an open *plaza* area a roof area shall be provided either with a glazed or translucent material for at least 50 percent of its surface area. The roofed area shall be no more than 15 feet above *curb level* and shall blend harmoniously with the development on the *zoning lot* and any surrounding *plaza* or open area.

95-054

Permitted uses and other constructions

Areas within the easement volume not used for circulation purposes may be developed only with newsstands, cigar stands, flower stands or similar stands, in accordance with the Transit Authority standards, provided they do not interfere with pedestrian circulation and are made of removable structures. In no event shall such permitted uses be located within 10 feet of a pedestrian entrance to the subway at *curb level*.

In addition, any portion of the transit easement volume at *curb level* not to be covered for weather protection, may contain trees, benches, or any obstructions permitted in a *plaza* area. However, such elements shall not interfere with the pedestrian movement.

The Transit Authority and the City Planning Commission may permit penetration of the transit easement volume above *curb level* by a building lobby where such lobby space serves as a part of the pedestrian circulation system and provides from it direct public access to the subway entrance within the easement volume.

Where construction within a transit easement volume is more than five feet in height above *curb level*, such construction proposal shall be submitted to the Commission for a review and certification to insure that such construction relates harmoniously to the total development.

When a transit easement volume is located within a *building*, it shall be open to the general public for the same hours of operation as the subway station.

Building columns or footings are permitted inside the transit easement volume, provided that the minimum clear distance between any columns is 12 feet and between the columns and any bounding walls of the transit easement volume is 10 feet. Where the width of an easement is greater than 20 feet, location of columns within the easement volume shall be established in consultation with the Transit Authority. In all cases the depth of columns or footings within the easement area or adjoining area shall be established in consultation with the Transit Authority. Furthermore, vertical space between such columns shall be open and unobstructed from its base except for any construction permitted under the provisions of this Chapter.

95-055

Knockout panel

Any underground walls constructed along the *front lot line* of a *zoning lot* in which transit easement volume is required by the Transit Authority shall contain a knockout panel not less than 12 feet wide below *curb level* down to the bottom of the easement. The actual location and size of such knockout panels shall be indicated by the Transit Authority.

95-06

Temporary Use of the Easement Area

Any easement volume required on a *zoning lot* pursuant to the provisions of this Chapter may be temporarily used by the owner of the *zoning lot* for any permitted *uses* until such time as required by the Transit Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the easement volume for such temporary *uses* shall be removed by the owner of the *zoning lot* prior to the time at which public use of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the *zoning lot* in order to vacate the tenants of such temporary *uses*.

95-07

Special Provisions for an Increase in Tower Coverage on Zoning Lots Containing Transit Easements

For any *zoning lot* on which a transit easement volume is required pursuant to Section 95-04, the *lot coverage* of a tower permitted by the underlying district regulations may be increased by an amount equal to 10 percent of the *lot area* of the *zoning lot*.

In no event shall the permitted increase in tower coverage on a *zoning lot* affect the maximum allowable *floor area ratio* under the applicable district regulations.

The transit easement volume and any construction allowed therein pursuant to Section 96-05 shall, however, be considered permitted obstructions within required *open space* or in a *plaza* or *arcade area*.

95-08

Special Use Regulations

In order to promote the continued development of retail and related uses which are most appropriate for pedestrians using transit facilities, the only *commercial uses* permitted in the subway mezzanine level, along the bounding walls of the transit easement volume and at the ground story of any development within the Special District shall be those *uses* listed in Use Group T. In all underlying districts within the Special Districts, Use Group T *uses* are

permitted to occupy two *stories* below the lowest *story* occupied by *residential uses*, and the *lot area* requirements to such *buildings* as set forth in Section 35-40 shall not apply. However, *uses* listed in paragraphs A, C or E are permitted within the Special District only where allowed by the underlying district regulations. Location of *commercial uses* within a *building* shall be governed by the provisions of Section 32-42.

In the subway mezzanine, at ground story and along the bounding walls of the transit easement volume, the frontage occupied by any *uses* shall not exceed 25 linear feet per establishment within a distance of 75 feet from the edge of the easement volume at any level.

95-081

Use Group T

Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District. *Uses* marked with an asterisk (*) shall not be located at the subway mezzanine level or along the bounding walls of a transit easement volume.

Use Group T

A. Amusements

1. Model Car Hobby Center, including racing
2. Billiard parlors or pool halls
3. Theatres.

B. Convenience Retail or Service Establishments

1. Bakeries, provided that no floor space is used for production
2. Barber shops
3. Beauty parlors
4. Drug stores
- *5. Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of floor area per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds
6. Eating or drinking places, including those which provide outdoor table service or incidental musical entertainment either by mechanical device or by not more than three persons playing piano, organ, accordion, guitar, or any string instrument
- *7. Food stores, including grocery stores or delicatessen stores
8. Hardware stores
- *9. Laundry establishments, hand or automatic self-service
- *10. Package liquor stores
11. Post offices
12. Shoe or hat repair shops
13. Stationery stores
14. Tailor or dressmaking shops, custom
15. Variety stores limited to 10,000 square feet of *floor area* per establishment.
- *16. Fruit stands including supermarkets or meat markets.

C. Offices

- *1. Offices, business, professional, or governmental.

D. Retail or Service Establishments

1. Antique stores
2. Art galleries, commercial
3. Artists' supply stores
4. Banks
5. Bicycle sales
- *6. Blueprinting or photostating establishments
7. Book stores
- *8. Business schools or colleges
9. Candy stores or nut stores
- *10. Carpet, rug, linoleum, or other floor covering stores
11. Cigar or tobacco stores
12. Clothing or clothing accessory stores
13. Clothing or costume rental establishments
14. Dry goods or fabrics stores
- *15. Electrolysis studios
16. Fishing tackle or equipment, rental or sales
17. Florist shops
18. Furniture stores
19. Furrier shops, custom
20. Gift shops
- *21. Ice cream stores
22. Interior decorating establishments, provided that *floor area* used for processing, servicing, or repairs shall be limited to 750 square feet per establishment
23. Jewelry or art metal craft shops
24. Leather goods or luggage stores
25. Loan offices
26. Locksmith shops
- *27. Medical or orthopedic appliance stores
- *28. Meeting halls
29. Millinery shops
30. Musical instrument repair shops
31. Music stores
32. Newsstands, open or enclosed
33. Optician or optometrist establishments
- *34. Paint stores
- *35. Pet shops
36. Photographic equipment or supply stores
37. Photographic studios
38. Picture framing shops
- *39. Physical culture or health establishments, including gymnasiums, reducing salons, masseurs, or steam baths
40. Record stores
41. Seed or garden supply stores
42. Sewing machine stores, selling household machines only
43. Shoe stores
44. Sporting or athletic stores
45. Stamp or coin stores
46. Studios, art, music, dancing, or theatrical
47. Telegraph offices
48. Television, radio, phonograph, or household appliance stores

- *49. Television, radio, phonograph, or household appliance repair shops
- 50. Toy stores
- 51. Travel bureaus
- 52. Typewriter or other small business machine repair shops
- 53. Typewriter stores
- 54. Umbrella repair shops
- 55. Wallpaper stores
- 56. Watch or clock stores or repair shops.

E. Other Retail or Wholesale Establishments

- 1. Department stores
- *2. Hair products for headwear, wholesaling, including styling
- *3. Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects
- *4. Photographic developing or printing establishments limited to 2,500 square feet of *floor area* per establishment
- 5. Plumbing, heating or ventilating equipment showrooms, without repair facilities.

F. Clubs

- 1. All types of clubs without restrictions on activities or facilities.

G. Accessory Uses

95-09

Special Regulations for Accessory Off-Street Parking and Curb Cuts

On any *zoning lot* on which a transit easement volume is provided, the required *accessory* off-street parking requirements for *residential uses* of the applicable underlying districts shall be reduced to a maximum of 20 per cent.

In no case within the Special District shall curb cuts for vehicular access be located on a *street* containing transit lines or on a *street* within 50 feet of its intersection with the *street lines* of such a *street*.

The *accessory* parking requirements shall not apply to any *development* for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a *street* in conformity with the provisions of this section.

95-10

Special Provision for Trees

All new *developments* within the Special District shall provide and maintain trees of not less than 4-inch Caliper at the time of planting on sidewalks for the entire length of *street* frontages of the *zoning lot*. These trees shall be planted at maximum interval of 25 feet and in accordance with Highway Department guidelines. Where such tree planting is infeasible on sidewalks, it shall be provided alternatively on the *zoning lot*.

95-11

Miscellaneous Provisions

The pavements on a public sidewalk fronting a *development* within the Special District shall be consistent in color and material with all pavements located within the transit easement volume and in the adjoining *plaza*.

95-12

Recordation

The instrument creating a transit easement volume shall be recorded in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the City Planning Commission.

95-13

Termination of Transit Easement Volume

In the event that the Transit Authority and the City Planning Commission jointly notifies the Department of Buildings and the owner in writing that a transit easement volume is not required on a *zoning lot* in its final construction plans, the restrictions imposed on such *zoning lot* by the provisions of this chapter shall lapse following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the Transit Authority to the extinguishment of the easement volume. On any *zoning lot* which has been developed in accordance with the provisions of Section 95-07 and on which termination of transit easement has been certified pursuant to this section, any open, enclosed or arcaded area reserved for transit easement at *curb level* shall be developed for public use with lighting, landscaping, trees and sitting facilities.

(On September 30, 1974, Cal. No. 2, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

TABLE A

MINIMUM DIMENSIONS FOR TRANSIT EASEMENT VOLUME

STATIONS: *Houston St., Kips Bay,
Lenox Hill, 96th St.*

Easement Type	Height Above Curb Level h	Depth Below Curb Level* D	Length L	Width W	For Zoning Lots Less Than 10,000 SF For Zoning Lots 10,000 SF or more
1	15'0"	20'0"	80'0"	20'0"	X
2	15'0"	30'0"	80'0"	20'0"	X
3	15'0"	30'0"	85'0"	32'0"	X
4	15'0"	25'0"	80'0"	10'0"	X
5	15'0"	30'0"	80'0"	10'0"	X
6	15'0"	25'0"	60'0"	20'0"	X

TABLE B

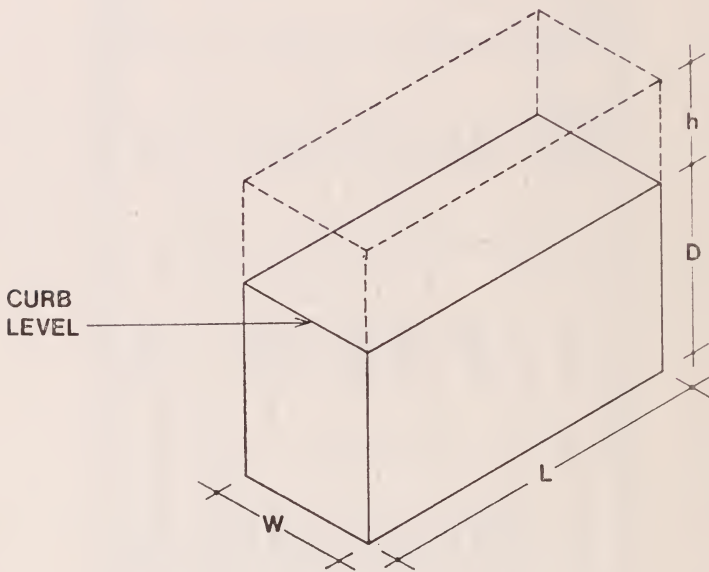
MINIMUM DIMENSIONS FOR TRANSIT EASEMENT VOLUME

STATIONS: Chatham Sq., Grand St., 14th St.,
23rd St., UN Plaza, East Midtown, Yorkville,
Franklin Plaza, Triboro Plaza.

Easement Type	Height Above Curb Level h	Depth Below Curb Level: D	Length L	Width W	For Zoning Lots	
					Less Than 10,000 SF	10,000 SF or more
1	15'0"	20'0"	80'0"	20'0"	X	
2	15'0"	40'0"	100'0"	20'0"	X	X
3	15'0"	40'0"	85'0"	32'0"		X
4	15'0"	35'0"	100'0"	10'0"	X	
5	15'0"	40'0"	100'0"	10'0"	X	
6	15'0"	35'0"	65'0"	20'0"	X	

* See Section 95-054, Paragraph 5

TRANSIT EASEMENT VOLUME



h	<i>Height Above Curb Level</i>
D	<i>Depth Below Curb Level</i>
L	<i>Length</i>
W	<i>Width</i>

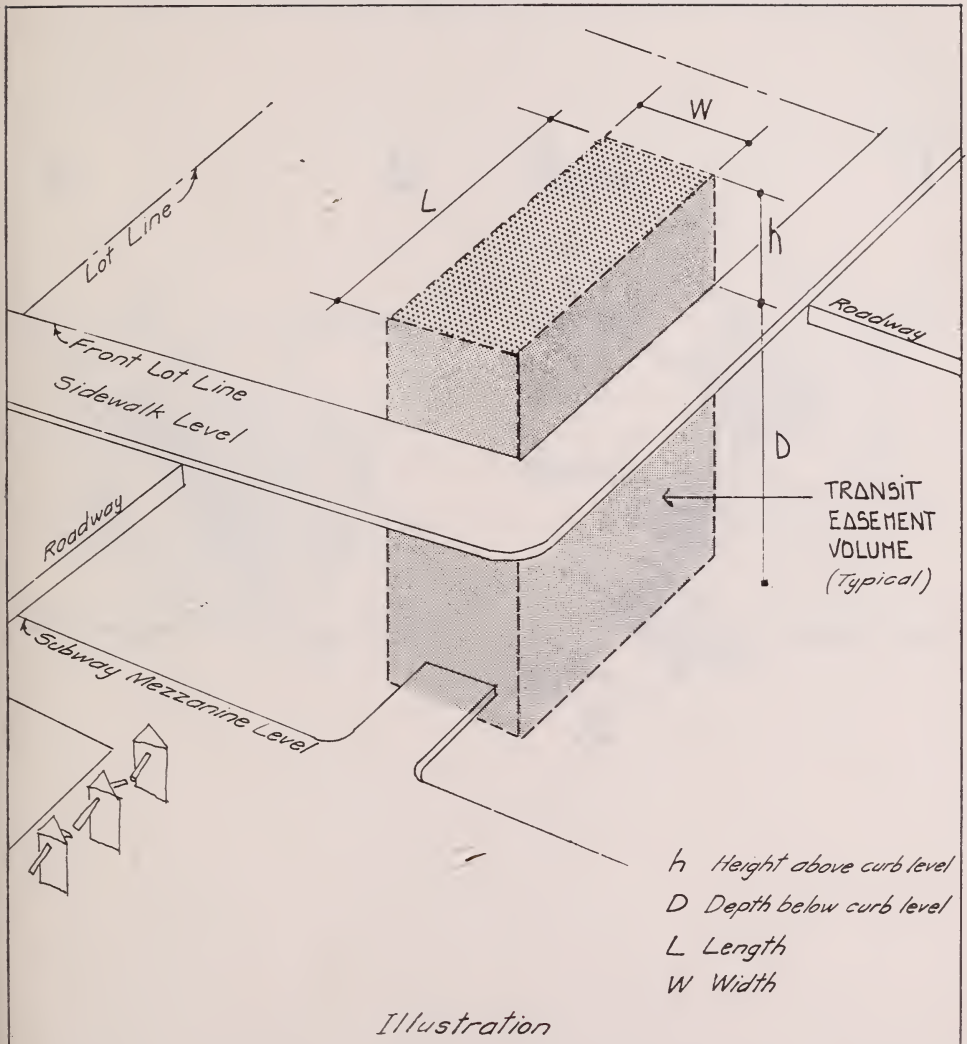
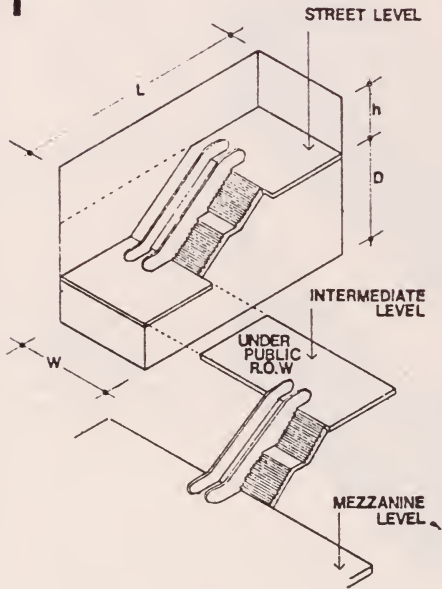


ILLUSTRATION OF POSSIBLE EASEMENT TYPES

1



2

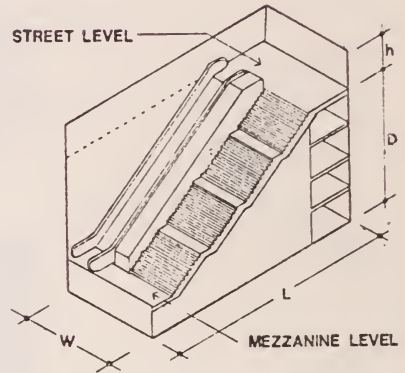
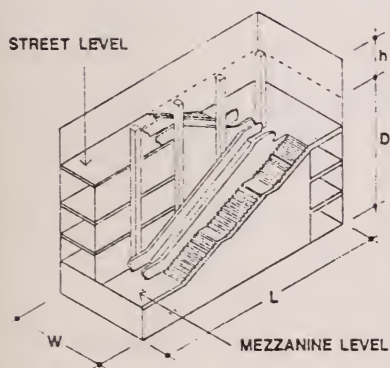


ILLUSTRATION OF POSSIBLE EASEMENT TYPES

3



4

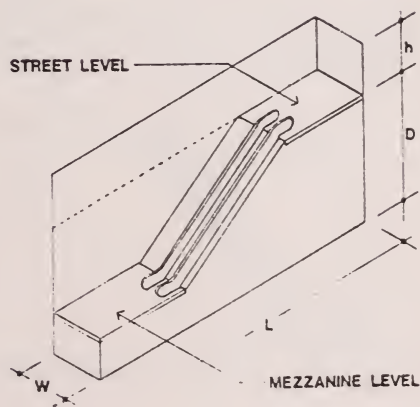
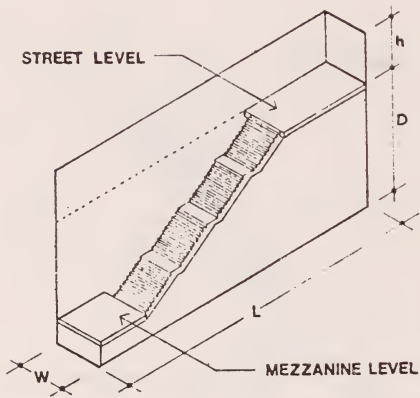
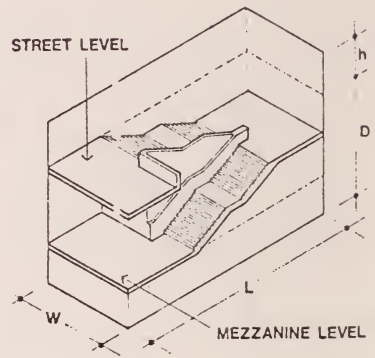


ILLUSTRATION OF POSSIBLE EASEMENT TYPES

5



6



BOROUGH OF MANHATTAN

No. 36

CPD 3, 6, 8 & 11

CP-22791

PUBLIC HEARING in the matter of a zoning change, pursuant to Section 200 of the New York City Charter, involving an amendment of the Zoning Map, Section Nos. 6b, 8c, 8d, 9a and 12c establishing (13) TA Districts, bounded generally by East 127th Street, a line 150 feet east of Second Avenue, a line 100 feet east of Chrystie Street, Catherine Street, a line 80 feet south of East Broadway, Oliver Street, a line 150 feet south from the intersection of Oliver Street and St. James Place, a line 500 feet east of Pearl Street, a line 350 feet east of a New Street, a line 150 feet south of Park Street, a line 100 feet north of Chatham Square, a line 100 feet west of Chrystie Street, a line 150 feet west of Second Avenue, a line 100 feet south of East 53rd Street, a line 100 feet west of Third Avenue, a line 100 feet north of East 53rd Street, and a line 150 feet west of Second Avenue, Borough of Manhattan.

(On September 30, 1974, Cal. No. 3, the Commission scheduled this day for a hearing, which has been duly advertised.)

Close hearing.

